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* * * THE NEW COPYRIGHT LAW * * *

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BRIEF HIGHLIGHTS OF NEW COPYRIGHT LAW



- The new law becomes effective January 1, 1978 and is generally not retroactive. Exceptions include sec. 118 (noncommercial broadcasting), 304(b) (subsisting copyrights) and Chapter 8 (Copyright Royalty Tribunal) which take effect immediately.

- Copyright duration is extended to the life of the author plus 50 years.

This brings U.S. law into conformity with international practice and represents a fundamental change from the maximum 56-year duration (two 28-year terms) of present U.S. law which has been based on a system enacted by the English Parliament in 1710. Under the new law, 50 years after an author's death all his or her works copyrighted after 1977 fall into the public domain at once. The Register of Copyrights is to maintain current records relating to the death of authors of copyrighted works. When the new law becomes effective January 1, 1978, existing copyrights under the old system will be extended to span a total term of 75 years, automatically in the case of copyrights already renewed for a second term, but only if renewed in the case of first-term copyrights. (sec. 302)

- Fair use doctrine is given statutory recognition for first time.

Traditionally "fair use" has been a judicially created limitation on the exclusive rights of the copyright owner, developed by the courts because the 1909 copyright law made no provision for any kind of copying. Generally speaking, fair use allows copying of a limited amount of material without permission from, or payment to, the copyright owner where the use is reasonable and not harmful to the rights of the copyright owner. (sec. 107)

- Federal copyright law is extended to unpublished works.

Instead of the dual system of protection of works under state common law before they are published and under federal law after publication, the new law establishes a single system of statutory protection for all works whether published or unpublished. (sec. 301)

- Old system of common law copyright is pre-empted.

The new copyright law pre-empts and abolishes any right under state common or statutory law that comes within the scope of the federal copyright law (except for rights in pre-1972 sound recordings which are covered by state statute or common law until 2047). (sec. 301)

- Manufacturing clause is to be repealed.

The manufacturing clause which grants U.S. copyright to English language books and periodicals by American authors only if printed in the U.S. is to be repealed on July 1, 1982. Canada is exempted from the manufacturing clause as of January 1, 1978. (sec. 601)

- Copyright liability is extended to two previously exempted groups -- cable television systems, and the operators of jukeboxes. Both will be entitled to compulsory licenses. (sec. 111, 116)

- A five-member Copyright Royalty Tribunal is to be established to review royalty rates and settle disputes among parties entitled to several specified types of statutory royalties (in areas not directly affecting libraries). (sec. 801)

- An American Television and Radio Archive is to be established in the Library of Congress.

LIBRARIAN'S GUIDE TO THE NEW COPYRIGHT LAWIntroduction

This paper is intended to provide librarians and media specialists with an introduction to the new copyright law which takes effect January 1, 1978. It begins with a brief overview of how the law is organized, and follows with a suggested approach to determining how the new law might affect your library. It is essential that librarians become familiar with the library-related provisions of the new law before its 1978 effective date and evaluate current practices in the light of such provisions. The purpose of this paper is to assist you in this task.

It is important to understand at the outset that the new copyright law does not set up licensing or royalty schemes for library copying. It states the kinds of copying libraries can do without such schemes. Agencies such as the National Commission on New Technological Uses of Copyrighted Works (CONTU) and the National Commission on Libraries and Information Science (NCLIS) are studying possible licensing and royalty systems which might be recommended in the future for use with major library reproduction not authorized by the new law. CONTU has until December 31, 1977 to complete its work which includes in addition to library photocopying a study of the copyright implications of computer and other automatic systems dealing with information storage, processing, retrieval or transfer.

How the Law is Organized

The seemingly formidable job of comprehending the new copyright law is made somewhat easier by a general understanding of how it is organized. It is important to know, for example, that the exclusive rights of the copyright owner stated in section 106 are limited by the provisions of sections 107-118. A brief guide to some of the law's numerical sections follows:

<u>Sections</u>	
*101	basic definitions of terms used throughout
*102-104	works protected by copyright
*105	U.S. government works excluded
+*106	exclusive rights of copyright owner
+*107	right of fair use
+*108	reproduction by library or archives
+*109	effect of transfer of a particular copy
+*110	performances and displays for nonprofit purposes
*111	secondary transmissions
*112	ephemeral recordings
*114	sound recordings (scope of exclusive rights)
+*117	computers and similar information systems
+*118	noncommercial broadcasting
301-305	duration of copyright
401-406	notice of copyright
501-506	copyright infringement
+*504	innocent infringement by libraries
507	statute of limitations
601	manufacturing clause
+*602(a)(3)	importation of copies by libraries
710	Library of Congress reproduction for blind & handicapped
810	copyright royalty tribunal

indicates that the statutory language of this section is included in Appendix I and +indicates relevant congressional report language is included in Appendix II. Sections not marked with asterisk () or plus (+) are not included in this paper.

Suggested Approach to Copyright Law

For the library that wishes to exercise all its rights under the new copyright law, there are no easy clearcut answers applicable across the board to questions of what may be copied and what may not. To determine how the new law may affect current practices in your library, the following, at a minimum, should be considered (numbers refer to sections in the law):

- works protected by copyright (sec. 102-105)
- exclusive rights of copyright owner (sec. 106)
- right of fair use (sec. 107)
- library copying authorized (sec. 108)
- library copying not authorized by new law (sec. 108 (g))
- importation of copies by libraries (sec. 602(a)(3))

■ Works Protected by Copyright

Copyright protection extends to literary works, musical works, dramatic works, pantomimes and choreographic works, pictorial, graphic, and sculptural works, motion pictures and other audiovisual works, and sound recordings. (sec. 102)

Unpublished works by U.S. and foreign authors are protected by the new copyright statute, as are published works by U.S. authors. The published works of foreign authors are subject to copyright under certain conditions, including coverage under national treaties such as the Universal Copyright Convention. (sec. 104)

U.S. government works are excluded. The new law does not change the basic premise of prior law that works produced for the U.S. government by its officers and employees are not subject to copyright. (sec. 105)

There is no outright prohibition against copyright in works prepared under government contract or grant. Both House and Senate Judiciary Committee reports on the copyright bill state: "There may well be cases where it would be in the public interest to deny copyright in the writings generated by Government research contracts and the like; it can be assumed that, where a Government agency commissions a work for its own use merely as an alternative to having one of its own employees prepare the work, the right to secure a private copyright would be withheld. However, there are almost certainly many other cases where the denial of copyright protection would be unfair or would hamper the production and publication of important works. Where, under the particular circumstances, Congress or the agency involved finds that the need to have a work freely available outweighs the need of the private author to secure copyright, the problem can be dealt with by specific legislation, agency regulations, or contractual restrictions."

■ Exclusive Rights of Copyright Owner

Section 106 states the exclusive rights of copyright owners. The five fundamental rights are the rights (1) to reproduce the work in copies or phonorecords, (2) to prepare derivative works (new versions), (3) to distribute copies or phonorecords publicly, (4) to perform the work publicly, and (5) to display the work publicly.

It is important to understand that there are significant limitations to the exclusive rights stated in sec. 106. These limitations are stated in sections 107 through 118, and several of them are discussed at some length in this paper.

■ The Right of Fair Use (sec. 107)

Traditionally, "fair use" has been a judicially created limitation on the exclusive rights of the copyright owner. It was developed by the courts for purposes of defense in litigation, because the 1909 copyright law made no provision for any kind of copying, but it was generally agreed that at least some kinds of copying were fair and should be permitted. It is difficult to define what constitutes fair use. The Register of Copyrights put it this way before the House Judiciary Committee in 1975:

"It is conceded that 'fair use' is not susceptible of exact definition. Generally speaking, however, it allows copying without permission from, or payment to, the copyright owner where the use is reasonable and not harmful to the rights of the copyright owner."

The new law codifies the fair use doctrine in general terms. The statute refers to purposes such as criticism, comment, news reporting, teaching, scholarship, or research, and it specifies four criteria to be considered in determining whether or not a particular instance of copying or other reproduction is fair. The statutory criteria (sec. 107) are:

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

Depending upon the circumstances, fair use might cover the making of a single copy or the making of multiple copies. For example, the statute specifically states that multiple copying for classroom use may fall within the category of fair use copying. In deciding whether any particular instance of copying is fair use, one must consider the statutory fair use criteria.

Two sets of guidelines have been developed by educators, publishers, and authors, which provide some indication of what various parties thought at least minimally reasonable. These guidelines do not appear in the statute but are included in the House Judiciary Committee report on the copyright bill. They are Guidelines for Classroom Copying in Not-for-Profit Educational Institutions, and Guidelines for Educational Uses of Music. (See Appendix II, sec. 107 for guidelines and explanatory material on fair use in general.)

■ Library Copying Authorized by Sec. 108

In addition to copying that would fall within the fair use section of the statute (discussed above), certain types of library copying which may not be fair use are authorized by sec. 108. In approaching sec. 108, it is important to understand that the specific types of library copying authorized in 108 in no way limit the library's fair use right. (sec. 108(f)(4))

Limitations and conditions exist with respect to each type of library copying specified in sec. 108. These are summarized on the following pages (see Appendix I and II for more information).

First, in sec. 108 there are general conditions and limitations set out in sec. 108 (a) which apply to the various kinds of copying authorized in the rest of the section. These general conditions are summarized as follows:

Sec. 108 (a) states the general conditions applicable to all types of copying authorized in sec. 108. They are summarized below (full text in Appendix I):

- (1) the copy is made without any purpose of direct or indirect commercial advantage;
- (2) the collections of the library are open to the public or available not only to researchers affiliated with the library but also to other persons doing research in a specialized field; and
- (3) the copy includes a notice of copyright.

The status of special libraries in profit-making institutions with respect to the criterion "without direct or indirect commercial advantage" in sec. 108 (a) (1) above is clarified in the House Judiciary Committee report and in the conference report: it is the library or archives within the institution that must meet the 108 (a) criteria, and generally not the institution itself. See 108 (a) in Appendix II for clarifying statements on special libraries.

Second, in addition to the general conditions of sec. 108 (a) set out above, it is possible that a library's own contractual obligations with a publisher or distributor might limit copying that otherwise would be authorized by sec. 108. By the same token, the limited types of copying authorized by sec. 108 could be augmented if the library and publisher agreed at the time of purchase that additional copying could be done. (sec. 108(f)(4))

Possible Contractual Limitations on Sec. 108 Copying

Sec. 108 (f) (4) states that the rights of reproduction granted libraries by sec. 108 do not override any contractual obligations assumed by the library at the time it obtained a work for its collections. In view of this provision, librarians must be especially sensitive to the conditions under which they purchase materials, and before executing an agreement which would limit their rights under the copyright law, should consult with their legal counsel.

In general, sec. 108 authorizes under certain circumstances the making of a single copy of an entire work, and under other circumstances the making of a single copy of an article or small excerpt for a library user. Each type of copying is summarized below:

Single Copy of Entire Work

Archival reproduction of an unpublished work. Sec. 108 (b) authorizes the making of a single copy of an entire unpublished work for purposes of preservation and security, or for deposit for research in another library, if the copy is currently in the collections of the first library.

Replacement of damaged or stolen copy. Sec. 108 (c) authorizes the making of a single copy of an entire work for the purpose of replacing a copy that is damaged, deteriorating, lost or stolen, if the library has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price.

Out-of-print works. Sec. 108 (e) authorizes the making of a single copy of an entire work from the library's own collections or from another library, if it has been established, by a reasonable investigation, that a copy cannot be obtained at a fair price. The scope and nature of a reasonable investigation will vary according to the circumstances of the particular situation.

For more information on the conditions under which libraries may make a copy for archival, replacement, or out-of-print purposes, see Appendix I and Appendix II on 108(b), (c), and (e).

Single Copy of Single Article or Small Excerpt

The library's own collections. Sec. 108 (d) authorizes the making of a single copy of a single article or a copy of a small part of a copyrighted work in the library's collections, provided that the copy becomes the property of the user, the library has no notice that the copy would be used for any purpose other than private study, scholarship or research, and provided that the library both displays prominently at the place where copying requests are accepted, and includes on its order form, a warning of copyright in accordance with requirements the Register of Copyrights shall prescribe by regulation.

Interlibrary loan copying. Sec. 108 (d) authorizes the making of a single copy of a single article or a copy of a small part of a copyrighted work for purposes of interlibrary loan, provided that all the above conditions regarding a single copy of a single article from the library's own collections are met, and further provided (by sec. 108(g)(2)) that requests for interlibrary loan photocopies are not in such aggregate quantities as to substitute for purchases or subscriptions. The wording of the statute places responsibility for compliance on the library requesting the photocopy and not on the library fulfilling the request. The National Commission on New Technological Uses of Copyrighted Works (CONTU) in consultation with authors, publishers and librarians, developed guidelines to assist libraries in complying with this provision.

For text of guidelines on photocopying for purposes of interlibrary loan and for related descriptive material, see Appendix II (p. AII-22). The official title is: Guidelines for the Proviso of Subsection 108 (g) (2).

Coin-Operated Copying Machines

Sec. 108(f)(1) and (2) make clear that neither libraries nor library employees are liable for the unsupervised use of reproducing equipment located on library premises, provided that the machine displays a notice that the making of a copy may be subject to the copyright law. The library patron making the copy is not excused from liability for copyright infringement, however, if his or her copying exceeds fair use as provided by sec. 107.

■ Library Copying Not Authorized by Sec. 108

With the exception of audiovisual news programs, sec. 108 does not authorize a library to make multiple copies. (The exception for audiovisual news stated in sec. 108(f)(3) allows libraries to make a "limited number of copies.") Two general types of library copying which are not clearly defined in the statute are specifically not authorized by sec. 108. Stated only in the most general terms, these types of library copying are susceptible of many interpretations.

The first is called "related or concerted reproduction or distribution of multiple copies." This so-called related or concerted copying by libraries is not authorized whether the copies are made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by individual members of a group. (sec. 108(g)(1))

The second type of library copying not authorized by sec. 108 is called "systematic reproduction or distribution of single or multiple copies." Because many libraries feared that this term might be construed to preclude a wide range of interlibrary lending systems, this section of the bill was amended to make clear that whatever may be meant by the term "systematic," copying for purposes of interlibrary loan as specifically authorized by sec. 108 (d) (discussed above) would not be prohibited by sec. 108 (g) (2) so long as it does not substitute for purchases or subscriptions. The wording of the statute places responsibility on the library requesting the photocopy from another library for the use of a patron, and not on the library fulfilling the request. (sec. 108(g)(2))

Agencies such as the National Commission on New Technological Uses of Copyrighted Works (CONTU) are now studying the types of library copying not authorized by sec. 108. The National Commission on Libraries and Information Science (NCLIS) is funding a study to analyze library photocopying and conduct a feasibility test of a possible royalty payment mechanism. The results of studies such as these are expected to be available in 1977. They may form the basis of recommendations for future copyright legislation. It is important to remember that the new copyright law (PL 94-553) which takes effect January 1, 1978 does not set up any licensing or royalty payment schemes for library copying. It focuses primarily on the kinds of copying libraries can do without such schemes. It merely states in sec. 108 (g) two types of library copying that are not authorized by sec. 108.

NOTE: Nothing in sec. 108 limits a library's right to fair use of copyrighted works. Copying not authorized by sec. 108 may be a fair use. Consult the fair use criteria of sec. 107.

■ Importation of Copies by Libraries

In general, the new law prohibits the importation of copies of works without the permission of the copyright holder. There are, however, certain exceptions to this general prohibition, one of which is directly related to libraries. Sec. 602 (a) (3) states that a nonprofit scholarly, educational or religious organization may import no more than one copy of an audiovisual work for archival purposes only, and no more than five copies of any other work "for its library lending or archival purposes, unless the importation of such copies or phonorecords is part of an activity consisting of systematic reproduction or distribution, engaged in by such organization in violation of the provisions of section 108 (g) (2)." See sec. 602 in Appendix I and II.

Guidelines in Relation to the Statute

The new copyright law does not provide easy answers to questions of what may be copied by a library in any given circumstance. Some guidelines have been developed to help educators and librarians comply with the law, but these do not cover all kinds of permissible copying. Libraries should consult the statute primarily and the guidelines secondarily in order to exercise fully what rights they have under the new copyright law.

Where to look first in the statute and accompanying congressional reports to determine if a copy can be made by a library or archives in a given situation:

audiovisual news	108(f)(3)
audiovisual work other than news	107, 108(h)
book	107, 108
graphic work	107, 108(h)
instructional transmission	107, 110
motion picture	107, 108(h)
musical work	107, 108(h)
periodical article	107, 108
pictorial work	107, 108(h)
public broadcasting program	107, 118(d)(3)
sound recording	107, 108, 114

Importing copies from abroad - see sec. 602(a)(3)

See Appendix I for excerpts from the statute, and Appendix II for the related congressional explanatory material and the text of guidelines. Guidelines on Multiple Copies for Classroom or Teaching Uses and Guidelines for Educational Uses of Music appear on p. AII-9 and AII-12 respectively, and guidelines on photocopying for interlibrary loan (called Guidelines for the Proviso of Subsection 108 (g) (2)) appear on p. AII-17.

Infringement

The foregoing sections of this paper discuss the exclusive rights of the copyright owner (sec. 106) as limited by sec. 107-118. One who violates the rights of the copyright owner as defined by sec. 106-118 is a copyright infringer. Remedies available to the copyright holder for infringement include damages (actual or statutory, the latter set by statute from \$100 to \$50,000), injunction, recovery of court costs and attorney's fees. There is also criminal infringement (done willfully for commercial advantage or private financial gain) subject to \$10,000 fine and/or one year imprisonment.

Statutory damages are to be waived entirely for a library or nonprofit educational institution when the institution or one of its employees acting within the scope of his or her employment "believed or had reasonable grounds for believing that his or her use of the copyrighted work was a fair use under sec. 107...." (sec. 504(c)(2))

It should be noted in this context that neither the library nor its employees can be held liable for infringement that may occur from unsupervised use of coin-operated copying machines located in the library provided the machines display a notice that the making of a copy may be subject to the copyright law. (sec. 108(f)(1) and (2))

RECOMMENDED PREPARATION FOR COMPLIANCE ON JANUARY 1, 1978

Librarians and media specialists have a professional responsibility to learn about the basic library-related provisions of the new copyright law, and to review current practices in the light of such provisions. This should be done well before the law's effective date of January 1, 1978. The American Library Association will be providing information about the new law through conference programs and journal articles, and in addition will be revising the interlibrary loan request form to assist libraries acting within the 108 (g) (2) guidelines.

Library professionals have a responsibility to alert the governing authorities of the library (e.g., trustees, city manager) or of the institution in which the library is located (e.g., college or university president, school principal, company president) to the new law and to any foreseeable impact it may have on the library. If current practices seem likely to constitute infringement under the new law, plan now for needed change and be sure the reason for such change is well understood by library users.

Above all, take the time and trouble to master the basic provisions of the statute so that your library will be exercising fully the rights it has under the new copyright law. Anything short of this would be a disservice to library users everywhere.

RECOMMENDED PREPARATION FOR MANDATED-FIVE YEAR REVIEW IN 1982

Although the library community as a whole worked hard to get a flexible copyright law that would neither harm publishers and authors nor curtail the public's access to information, there is no assurance whatever that the new law as finally enacted will achieve such a balance.

The law requires a review of the library copying provisions every five years by the Register of Copyrights in consultation with librarians, and representatives of authors and publishers. If a five-year review determines that the balance between the rights of copyright owners and the rights of the public is tilting too far in one direction, the Register is directed to make recommendations for legislative or other changes to correct the situation. (sec.108 (i))

As the new law takes effect on January 1, 1978, librarians have a professional responsibility to pay close attention to the law's impact on library service. Is the public's access to information being curtailed by the library's attempted compliance with the new law? If so, to what extent? Is record-keeping made necessary by the new law burdensome and time-consuming? Is staff time being diverted from service to copyright matters? Are copyright proprietors attempting to further restrict library copying by requiring libraries to sign contracts when materials are purchased? Keep track of the situation in your library.

Without documentation from libraries of all types in all parts of the country as to how the new copyright law is affecting library service, the library community as a whole will be ill equipped in 1982 to press for changes in the law. We are assured by the statute of a review every five years. To make such reviews beneficial to library users, librarians everywhere must begin immediately to prepare for the first one in 1982.

LEGISLATIVE HISTORY AND BACKGROUND INFORMATION
ON THE NEW COPYRIGHT LAW (PL 94-553)

Public Law 94-553, the first general revision of the copyright statute since 1909, was finally enacted by Congress and signed into law by President Ford on October 19, 1976. The new law, which becomes effective January 1, 1978, is the culmination of a dozen years of continuing consideration by Congress. First introduced in the 88th Congress on July 20, 1964, the bill finally emerged in the 94th Congress as S. 22. As enacted, PL 94-553 completely revises the copyright statute, Title 17, United States Code.

From the library and user point of view, ready access to information is of paramount concern. Only day-to-day application of the law will demonstrate whether or not Congress has succeeded in striking a fair balance in the new provisions which affect the rights of copyright owners on one hand, and the needs of library and information users on the other.

The complexities of the new copyright law make ready description of all its provisions impossible. However, there are some basic points that can be readily discerned upon perusal of the new law and the basic documents which make up its legislative history. Librarians and media specialists are urged to study the new law's library-related provisions before the effective date of January 1, 1978.

The legislative history of the copyright law is provided in the box on this page. The reports and other material essential to an understanding of the law are marked with an asterisk(*). Single copies of these congressional documents can be requested from your Representatives or Senators. They may also be available from the Copyright Office in the Library of Congress. Between the date of enactment and the effective date of the new law, the Copyright Office is expected to issue announcements from time to time providing information on various aspects of the new law. For more information on such announcements, write the Copyright Office, Library of Congress, Washington, D.C. 20559.

Copyright Revision Bill - S. 22

Introduced in Senate 1/15/75
Reported by Senate Judiciary Committee
11/20/75 - S. Rept. 94-473

Passed Senate by vote 97-0 on 2/19/76
Reported by House Judiciary Committee
9/3/76 - H. Rept. 94-1476*, 368p.

Passed House by vote 316-7 on 9/22/76
Conference Report issued 9/29/76 -
H. Rept. 94-1733*, 82p.

Public Law 94-553*, signed by the President 10/19/76

In addition to the documents marked with asterisks above, the following are essential: (1) corrections to the House Judiciary Committee report printed in the 9/21/76 Congressional Record, pp.H10727-28 (daily edition), and (2) record of House debate in 9/22/76 Congressional Record beginning on p. H10872 (daily edition).

Three volumes of House hearings on the copyright revision bill provide useful background information on many issues. Included in the third volume are the briefing papers of the Register of Copyrights prepared for members of the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice. Hearings are available from the subcommittee while the supply lasts.

* * * *

APPENDIX I

EXCERPTS FROM THE COPYRIGHT LAW(PL 94-553)

Title 17 of the United States Code, entitled "Copyrights," is amended in its entirety by Public Law 94-553. The effective date of the new copyright law is January 1, 1978. Excerpts from the new law are reproduced in this appendix.

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+See Appendix II for congressional report explanation.

§ 101. Definitions

As used in this title, the following terms and their variant forms mean the following:

An "anonymous work" is a work on the copies or phonorecords of which no natural person is identified as author.

"Audiovisual works" are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

The "best edition" of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

A person's "children" are that person's immediate offspring, whether legitimate or not, and any children legally adopted by that person.

A "collective work" is a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.

A "compilation" is a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship. The term "compilation" includes collective works.

"Copies" are material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "copies" includes the material object, other than a phonorecord, in which the work is first fixed.

"Copyright owner", with respect to any one of the exclusive rights comprised in a copyright, refers to the owner of that particular right.

A work is "created" when it is fixed in a copy or phonorecord for the first time; where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time, and where the work has been prepared in different versions, each version constitutes a separate work.

A "derivative work" is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or

other modifications which, as a whole, represent an original work of authorship, is a "derivative work".

A "device", "machine", or "process" is one now known or later developed.

To "display" a work means to show a copy of it, either directly or by means of a film, slide, television image, or any other device or process or, in the case of a motion picture or other audiovisual work, to show individual images nonsequentially.

A work is "fixed" in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is "fixed" for purposes of this title if a fixation of the work is being made simultaneously with its transmission.

The terms "including" and "such as" are illustrative and not limitative.

A "joint work" is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole.

"Literary works" are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied.

"Motion pictures" are audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

To "perform" a work means to recite, render, play, dance, or act it, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible.

"Phonorecords" are material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "phonorecords" includes the material object in which the sounds are first fixed.

"Pictorial, graphic, and sculptural works" include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, and models. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be con-

sidered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.

A "pseudonymous work" is a work on the copies or phonorecords of which the author is identified under a fictitious name.

"Publication" is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.

To perform or display a work "publicly" means—

(1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or

(2) to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.

"Sound recordings" are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied.

"State" includes the District of Columbia and the Commonwealth of Puerto Rico, and any territories to which this title is made applicable by an Act of Congress.

A "transfer of copyright ownership" is an assignment, mortgage, exclusive license, or any other conveyance, alienation, or hypothecation of a copyright or of any of the exclusive rights comprised in a copyright, whether or not it is limited in time or place of effect, but not including a nonexclusive license.

A "transmission program" is a body of material that, as an aggregate, has been produced for the sole purpose of transmission to the public in sequence and as a unit.

To "transmit" a performance or display is to communicate it by any device or process whereby images or sounds are received beyond the place from which they are sent.

The "United States", when used in a geographical sense, comprises the several States, the District of Columbia and the Commonwealth of Puerto Rico, and the organized territories under the jurisdiction of the United States Government.

A "useful article" is an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article that is normally a part of a useful article is considered a "useful article".

The author's "widow" or "widower" is the author's surviving spouse under the law of the author's domicile at the time of his or her death, whether or not the spouse has later remarried.

A "work of the United States Government" is a work prepared by an officer or employee of the United States Government as part of that person's official duties.

A "work made for hire" is—

(1) a work prepared by an employee within the scope of his or her employment; or

(2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. For the purpose of the foregoing sentence, a "supplementary work" is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwords, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes, and an "instructional text" is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.

§ 102. Subject matter of copyright: In general

(a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying music;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic, and sculptural works;
- (6) motion pictures and other audiovisual works; and
- (7) sound recordings.

(b) In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form

in which it is described, explained, illustrated, or embodied in such work.

§ 103. Subject matter of copyright: Compilations and derivative works

(a) The subject matter of copyright as specified by section 102 includes compilations and derivative works, but protection for a work employing preexisting material in which copyright subsists does not extend to any part of the work in which such material has been used unlawfully.

(b) The copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the preexisting material employed in the work, and does not imply any exclusive right in the preexisting material. The copyright in such work is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright protection in the preexisting material.

§ 104. Subject matter of copyright: National origin

(a) UNPUBLISHED WORKS.—The works specified by sections 102 and 103, while unpublished, are subject to protection under this title without regard to the nationality or domicile of the author.

(b) PUBLISHED WORKS.—The works specified by sections 102 and 103, when published, are subject to protection under this title if—

(1) on the date of first publication, one or more of the authors is a national or domiciliary of the United States, or is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a copyright treaty to which the United States is also a party, or is a stateless person, wherever that person may be domiciled; or

(2) the work is first published in the United States or in a foreign nation that, on the date of first publication, is a party to the Universal Copyright Convention; or

(3) the work is first published by the United Nations or any of its specialized agencies, or by the Organization of American States; or

(4) the work comes within the scope of a Presidential proclamation. Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States or to works that are first published in the United States, copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the President may by proclamation extend protection under this title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.

§ 105. Subject matter of copyright: United States Government works

Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

§ 106. Exclusive rights in copyrighted works

Subject to sections 107 through 118, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly; and
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.

§ 107. Limitations on exclusive rights: Fair use

Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

§ 108. Limitations on exclusive rights: Reproduction by libraries and archives

(a) Notwithstanding the provisions of section 106, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce

no more than one copy or phonorecord of a work, or to distribute such copy or phonorecord, under the conditions specified by this section, if—

- (1) the reproduction or distribution is made without any purpose of direct or indirect commercial advantage;
- (2) the collections of the library or archives are (i) open to the public, or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and
- (3) the reproduction or distribution of the work includes a notice of copyright.

(b) The rights of reproduction and distribution under this section apply to a copy or phonorecord of an unpublished work duplicated in facsimile form solely for purposes of preservation and security or for deposit for research use in another library or archives of the type described by clause (2) of subsection (a), if the copy or phonorecord reproduced is currently in the collections of the library or archives.

(c) The right of reproduction under this section applies to a copy or phonorecord of a published work duplicated in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost, or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price.

(d) The rights of reproduction and distribution under this section apply to a copy, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, of no more than one article or other contribution to a copyrighted collection or periodical issue, or to a copy or phonorecord of a small part of any other copyrighted work, if—

- (1) the copy or phonorecord becomes the property of the user, and the library or archives has had no notice that the copy or phonorecord would be used for any purpose other than private study, scholarship, or research; and
- (2) the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(e) The rights of reproduction and distribution under this section apply to the entire work, or to a substantial part of it, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, if the library or archives has first determined, on the basis of a reasonable investigation, that a copy or phonorecord of the copyrighted work cannot be obtained at a fair price, if—

- (1) the copy or phonorecord becomes the property of the user, and the library or archives has had no notice that the copy or phonorecord would be used for any purpose other than private study, scholarship, or research; and

(2) the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(f) Nothing in this section—

(1) shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment located on its premises: *Provided*, That such equipment displays a notice that the making of a copy may be subject to the copyright law;

(2) excuses a person who uses such reproducing equipment or who requests a copy or phonorecord under subsection (d) from liability for copyright infringement for any such act, or for any later use of such copy or phonorecord, if it exceeds fair use as provided by section 107;

(3) shall be construed to limit the reproduction and distribution by lending of a limited number of copies and excerpts by a library or archives of an audiovisual news program, subject to clauses (1), (2), and (3) of subsection (a); or

(4) in any way affects the right of fair use as provided by section 107, or any contractual obligations assumed at any time by the library or archives when it obtained a copy or phonorecord of a work in its collections.

(g) The rights of reproduction and distribution under this section extend to the isolated and unrelated reproduction or distribution of a single copy or phonorecord of the same material on separate occasions, but do not extend to cases where the library or archives, or its employee—

(1) is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one or more individuals or for separate use by the individual members of a group; or

(2) engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of material described in subsection (d): *Provided*, That nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

(h) The rights of reproduction and distribution under this section do not apply to a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news, except that no such limitation shall apply with respect to rights granted by subsections (b) and (c), or with respect to pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works of which copies are reproduced or distributed in accordance with subsections (d) and (e).

(i) Five years from the effective date of this Act, and at five-year intervals thereafter, the Register of Copyrights, after consulting with representatives of authors, book and periodical publishers, and other owners of copyrighted materials, and with representatives of library users and librarians, shall submit to the Congress a report setting forth the extent to which this section has achieved the intended statutory balancing of the rights of creators, and the needs of users. The report should also describe any problems that may have arisen, and present legislative or other recommendations, if warranted.

§ 109. Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord

(a) Notwithstanding the provisions of section 106(3), the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.

(b) Notwithstanding the provisions of section 106(5), the owner of a particular copy lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to display that copy publicly, either directly or by the projection of no more than one image at a time, to viewers present at the place where the copy is located.

(c) The privileges prescribed by subsections (a) and (b) do not, unless authorized by the copyright owner, extend to any person who has acquired possession of the copy or phonorecord from the copyright owner, by rental, lease, loan, or otherwise, without acquiring ownership of it.

§ 110. Limitations on exclusive rights: Exemption of certain performances and displays

Notwithstanding the provisions of section 106, the following are not infringements of copyright:

(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made;

(2) performance of a nondramatic literary or musical work or display of a work, by or in the course of a transmission; if—

(A) the performance or display is a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution; and

(B) the performance or display is directly related and of material assistance to the teaching content of the transmission; and

(C) the transmission is made primarily for—

(i) reception in classrooms or similar places normally devoted to instruction, or

(ii) reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction, or

(iii) reception by officers or employees of governmental bodies as a part of their official duties or employment;

(3) performance of a nondramatic literary or musical work or of a dramatic-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly;

(4) performance of a nondramatic literary or musical work otherwise than in a transmission to the public, without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers, if—

(A) there is no direct or indirect admission charge; or

(B) the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain, except where the copyright owner has served notice of objection to the performance under the following conditions;

(i) the notice shall be in writing and signed by the copyright owner or such owner's duly authorized agent; and

(ii) the notice shall be served on the person responsible for the performance at least seven days before the date of the performance, and shall state the reasons for the objection; and

(iii) the notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation;

(5) communication of a transmission embodying a performance or display of a work by the public reception of the transmission on a single receiving apparatus of a kind commonly used in private homes, unless—

(A) a direct charge is made to see or hear the transmission;

or

(B) the transmission thus received is further transmitted to the public;

(6) performance of a nondramatic musical work by a governmental body or a nonprofit agricultural or horticultural organization, in the course of an annual agricultural or horticultural fair or exhibition conducted by such body or organization; the exemption provided by this clause shall extend to any liability for copy-

right infringement that would otherwise be imposed on such body or organization, under doctrines of vicarious liability or related infringement, for a performance by a concessionaire, business establishment, or other person at such fair or exhibition, but shall not excuse any such person from liability for the performance;

(7) performance of a nondramatic musical work by a vending establishment open to the public at large without any direct or indirect admission charge, where the sole purpose of the performance is to promote the retail sale of copies or phonorecords of the work, and the performance is not transmitted beyond the place where the establishment is located and is within the immediate area where the sale is occurring;

(8) performance of a nondramatic literary work, by or in the course of a transmission specifically designed for and primarily directed to blind or other handicapped persons who are unable to read normal printed material as a result of their handicap, or deaf or other handicapped persons who are unable to hear the aural signals accompanying a transmission of visual signals, if the performance is made without any purpose of direct or indirect commercial advantage and its transmission is made through the facilities of: (i) a governmental body; or (ii) a noncommercial educational broadcast station (as defined in section 397 of title 47); or (iii) a radio subcarrier authorization (as defined in 47 CFR 73.293-73.295 and 73.593-73.595); or (iv) a cable system (as defined in section 111(f)).

(9) performance on a single occasion of a dramatic literary work published at least ten years before the date of the performance, by or in the course of a transmission specifically designed for and primarily directed to blind or other handicapped persons who are unable to read normal printed material as a result of their handicap, if the performance is made without any purpose of direct or indirect commercial advantage and its transmission is made through the facilities of a radio subcarrier authorization referred to in clause (8)(iii), *Provided*, That the provisions of this clause shall not be applicable to more than one performance of the same work by the same performers or under the auspices of the same organization.

§ 111. Limitations on exclusive rights: Secondary transmissions

(a) CERTAIN SECONDARY TRANSMISSIONS EXEMPTED.—The secondary transmission of a primary transmission embodying a performance or display of a work is not an infringement of copyright if—

(1) the secondary transmission is not made by a cable system, and consists entirely of the relaying, by the management of a hotel, apartment house, or similar establishment, of signals transmitted by a broadcast station licensed by the Federal Communications Commission, within the local service area of such station, to the private lodgings of guests or residents of such establishment, and no direct charge is made to see or hear the secondary transmission; or

(2) the secondary transmission is made solely for the purpose and under the conditions specified by clause (2) of section 110; or

(3) the secondary transmission is made by any carrier who has no direct or indirect control over the content or selection of the primary transmission or over the particular recipients of the secondary transmission, and whose activities with respect to the secondary transmission consist solely of providing wires, cables, or other communications channels for the use of others: *Provided*, That the provisions of this clause extend only to the activities of said carrier with respect to secondary transmissions and do not exempt from liability the activities of others with respect to their own primary or secondary transmissions; or

(4) the secondary transmission is not made by a cable system but is made by a governmental body, or other nonprofit organization, without any purpose of direct or indirect commercial advantage, and without charge to the recipients of the secondary transmission other than assessments necessary to defray the actual and reasonable costs of maintaining and operating the secondary transmission service.

(b) **SECONDARY TRANSMISSION OF PRIMARY TRANSMISSION TO CONTROLLED GROUP.**—Notwithstanding the provisions of subsections (a) and (c), the secondary transmission to the public of a primary transmission embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if the primary transmission is not made for reception by the public at large but is controlled and limited to reception by particular members of the public: *Provided*, however, That such secondary transmission is not actionable as an act of infringement if—

(1) the primary transmission is made by a broadcast station licensed by the Federal Communications Commission; and

(2) the carriage of the signals comprising the secondary transmission is required under the rules, regulations, or authorizations of the Federal Communications Commission; and

(3) the signal of the primary transmitter is not altered or changed in any way by the secondary transmitter.

* * *

(f) **DEFINITIONS.**—As used in this section, the following terms and their variant forms mean the following:

A “primary transmission” is a transmission made to the public by the transmitting facility whose signals are being received and further transmitted by the secondary transmission service, regardless of where or when the performance or display was first transmitted.

A “secondary transmission” is the further transmitting of a primary transmission simultaneously with the primary transmission, or nonsimultaneously with the primary transmission if by a “cable system” not located in whole or in part within the boundary of the forty-eight contiguous States, Hawaii, or Puerto Rico: *Provided, however*, That a nonsimultaneous further transmission by a cable system located in Hawaii of a primary transmission shall be deemed to be a secondary transmission if the carriage of the television broadcast signal comprising such further transmission is permissible under the rules, regulations, or authorizations of the Federal Communications Commission.

A “cable system” is a facility, located in any State, Territory, Trust Territory, or Possession, that in whole or in part receives signals transmitted or programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission, and makes secondary transmissions of such signals or programs by wires, cables, or other communications channels to subscribing members of the public who pay for such service. For purposes of determining the royalty fee under subsection (d) (2), two or more cable systems in contiguous communities under common ownership or control or operating from one head-end shall be considered as one system.

The “local service area of a primary transmitter”, in the case of a television broadcast station, comprises the area in which such station is entitled to insist upon its signal being retransmitted by a cable system pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, or in the case of a television broadcast station licensed by an appropriate governmental authority of Canada or Mexico, the area in which it would be entitled to insist upon its signal being retransmitted if it were a television broadcast station subject to such rules, regulations, and authorizations. The “local service area of a primary transmitter”, in the case of a radio broadcast station, comprises the primary service area of such station, pursuant to the rules and regulations of the Federal Communications Commission.

A “distant signal equivalent” is the value assigned to the secondary transmission of any nonnetwork television programing carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programing. It is computed by assigning a value of one to each independent station and a value of one-quarter to each network station and noncommercial educational station for the nonnetwork programing so carried pursuant to the rules, regulations, and authorizations of the Federal Communications Commission. The foregoing values for independent, network, and noncommercial educational stations are subject, however, to the following exceptions and limitations. Where the rules and regulations of the

Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of enactment of this Act permit a cable system, at its election, to effect such deletion and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program; where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of enactment of this Act permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year. In the case of a station carried pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or a station carried on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals which it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth above, as the case may be, shall be multiplied by a fraction which is equal to the ratio of the broadcast hours of such station carried by the cable system to the total broadcast hours of the station.

A "network station" is a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of that station's typical broadcast day.

An "independent station" is a commercial television broadcast station other than a network station.

A "noncommercial educational station" is a television station that is a noncommercial educational broadcast station as defined in section 397 of title 47.

§ 112. Limitations on exclusive rights: Ephemeral recordings

(a) Notwithstanding the provisions of section 106, and except in the case of a motion picture or other audiovisual work, it is not an infringement of copyright for a transmitting organization entitled to transmit to the public a performance or display of a work, under a

license or transfer of the copyright or under the limitations on exclusive rights in sound recordings specified by section 114(a), to make no more than one copy or phonorecord of a particular transmission program embodying the performance or display, if—

(1) the copy or phonorecord is retained and used solely by the transmitting organization that made it, and no further copies or phonorecords are reproduced from it; and

(2) the copy or phonorecord is used solely for the transmitting organization's own transmissions within its local service area, or for purposes of archival preservation or security; and

(3) unless preserved exclusively for archival purposes, the copy or phonorecord is destroyed within six months from the date the transmission program was first transmitted to the public.

(b) Notwithstanding the provisions of section 106, it is not an infringement of copyright for a governmental body or other nonprofit organization entitled to transmit a performance or display of a work, under section 110(2) or under the limitations on exclusive rights in sound recordings specified by section 114(a), to make no more than thirty copies or phonorecords of a particular transmission program embodying the performance or display, if—

(1) no further copies or phonorecords are reproduced from the copies or phonorecords made under this clause; and

(2) except for one copy or phonorecord that may be preserved exclusively for archival purposes, the copies or phonorecords are destroyed within seven years from the date the transmission program was first transmitted to the public.

(c) Notwithstanding the provisions of section 106, it is not an infringement of copyright for a governmental body or other nonprofit organization to make for distribution no more than one copy or phonorecord, for each transmitting organization specified in clause (2) of this subsection, of a particular transmission program embodying a performance of a nondramatic musical work of a religious nature, or of a sound recording of such a musical work, if—

(1) there is no direct or indirect charge for making or distributing any such copies or phonorecords; and

(2) none of such copies or phonorecords is used for any performance other than a single transmission to the public by a transmitting organization entitled to transmit to the public a performance of the work under a license or transfer of the copyright; and

(3) except for one copy or phonorecord that may be preserved exclusively for archival purposes, the copies or phonorecords are all destroyed within one year from the date the transmission program was first transmitted to the public.

(d) Notwithstanding the provisions of section 106, it is not an infringement of copyright for a governmental body or other nonprofit organization entitled to transmit a performance of a work under section 110(8) to make no more than ten copies or phonorecords embodying the performance, or to permit the use of any such copy or

phonorecord by any governmental body or nonprofit organization entitled to transmit a performance of a work under section 110(8), if—

(1) any such copy or phonorecord is retained and used solely by the organization that made it, or by a governmental body or nonprofit organization entitled to transmit a performance of a work under section 110(8), and no further copies or phonorecords are reproduced from it; and

(2) any such copy or phonorecord is used solely for transmissions authorized under section 110(8), or for purposes of archival preservation or security; and

(3) the governmental body or nonprofit organization permitting any use of any such copy or phonorecord by any governmental body or nonprofit organization under this subsection does not make any charge for such use.

(e) The transmission program embodied in a copy or phonorecord made under this section is not subject to protection as a derivative work under this title except with the express consent of the owners of copyright in the preexisting works employed in the program.

* * *

§ 114. Scope of exclusive rights in sound recordings

(a) The exclusive rights of the owner of copyright in a sound recording are limited to the rights specified by clauses (1), (2), and (3) of section 106, and do not include any right of performance under section 106(4).

(b) The exclusive right of the owner of copyright in a sound recording under clause (1) of section 106 is limited to the right to duplicate the sound recording in the form of phonorecords, or of copies of motion pictures and other audiovisual works, that directly or indirectly recapture the actual sounds fixed in the recording. The exclusive right of the owner of copyright in a sound recording under clause (2) of section 106 is limited to the right to prepare a derivative work in which the actual sounds fixed in the sound recording are rearranged, remixed, or otherwise altered in sequence or quality. The exclusive rights of the owner of copyright in a sound recording under clauses (1) and (2) of section 106 do not extend to the making or duplication of another sound recording that consists entirely of an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording. The exclusive rights of the owner of copyright in a sound recording under clauses (1), (2), and (3) of section 106 do not apply to sound recordings included in educational television and radio programs (as defined in section 397 of title 47) distributed or transmitted by or through public broadcasting entities (as defined by section 118(g)): *Provided*, That copies or phonorecords of said programs are not commercially distributed by or through public broadcasting entities to the general public.

(c) This section does not limit or impair the exclusive right to perform publicly, by means of a phonorecord, any of the works specified by section 106(4).

(d) On January 3, 1978, the Register of Copyrights, after consulting with representatives of owners of copyrighted materials, representatives of the broadcasting, recording, motion picture, entertainment industries, and arts organizations, representatives of organized labor and performers of copyrighted materials, shall submit to the Congress a report setting forth recommendations as to whether this section should be amended to provide for performers and copyright owners of copyrighted material any performance rights in such material. The report should describe the status of such rights in foreign countries, the views of major interested parties, and specific legislative or other recommendations, if any.

* * *

§ 117. Scope of exclusive rights: Use in conjunction with computers and similar information systems

Notwithstanding the provisions of sections 106 through 116 and 118, this title does not afford to the owner of copyright in a work any greater or lesser rights with respect to the use of the work in conjunction with automatic systems capable of storing, processing, retrieving, or transferring information, or in conjunction with any similar device, machine, or process, than those afforded to works under the law, whether title 17 or the common law or statutes of a State, in effect on December 31, 1977, as held applicable and construed by a court in an action brought under this title.

§ 118. Scope of exclusive rights: Use of certain works in connection with noncommercial broadcasting

(a) The exclusive rights provided by section 106 shall, with respect to the works specified by subsection (b) and the activities specified by subsection (d), be subject to the conditions and limitations prescribed by this section.

(b) Not later than thirty days after the Copyright Royalty Tribunal has been constituted in accordance with section 802, the Chairman of the Tribunal shall cause notice to be published in the Federal Register of the initiation of proceedings for the purpose of determining reasonable terms and rates of royalty payments for the activities specified by subsection (d) with respect to published nondramatic musical works and published pictorial, graphic, and sculptural works during a period beginning as provided in clause (3) of this subsection and ending on December 31, 1982. Copyright owners and public broadcasting entities shall negotiate in good faith and cooperate fully with the Tribunal in an effort to reach reasonable and expeditious results. Notwithstanding any provision of the antitrust laws, any owners of copyright in works specified by this subsection and any public broadcasting entities, respectively, may negotiate and agree upon the terms and rates of royalty payments and the proportionate division of fees paid among various copyright owners, and

may designate common agents to negotiate, agree to, pay, or receive payments.

(1) Any owner of copyright in a work specified in this subsection or any public broadcasting entity may, within one hundred and twenty days after publication of the notice specified in this subsection, submit to the Copyright Royalty Tribunal proposed licenses covering such activities with respect to such works. The Copyright Royalty Tribunal shall proceed on the basis of the proposals submitted to it as well as any other relevant information. The Copyright Royalty Tribunal shall permit any interested party to submit information relevant to such proceedings.

(2) License agreements voluntarily negotiated at any time between one or more copyright owners and one or more public broadcasting entities shall be given effect in lieu of any determination by the Tribunal: *Provided*, That copies of such agreements are filed in the Copyright Office within thirty days of execution in accordance with regulations that the Register of Copyrights shall prescribe.

(3) Within six months, but not earlier than one hundred and twenty days, from the date of publication of the notice specified in this subsection the Copyright Royalty Tribunal shall make a determination and publish in the Federal Register a schedule of rates and terms which, subject to clause (2) of this subsection, shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether or not such copyright owners and public broadcasting entities have submitted proposals to the Tribunal. In establishing such rates and terms the Copyright Royalty Tribunal may consider the rates for comparable circumstances under voluntary license agreements negotiated as provided in clause (2) of this subsection. The Copyright Royalty Tribunal shall also establish requirements by which copyright owners may receive reasonable notice of the use of their works under this section, and under which records of such use shall be kept by public broadcasting entities.

(4) With respect to the period beginning on the effective date of this title and ending on the date of publication of such rates and terms, this title shall not afford to owners of copyright or public broadcasting entities any greater or lesser rights with respect to the activities specified in subsection (d) as applied to works specified in this subsection than those afforded under the law in effect on December 31, 1977, as held applicable and construed by a court in an action brought under this title.

(c) The initial procedure specified in subsection (b) shall be repeated and concluded between June 30 and December 31, 1982, and at five-year intervals thereafter, in accordance with regulations that the Copyright Royalty Tribunal shall prescribe.

(d) Subject to the transitional provisions of subsection (b) (4), and to the terms of any voluntary license agreements that have been nego-

tiated as provided by subsection (b) (2), a public broadcasting entity may, upon compliance with the provisions of this section, including the rates and terms established by the Copyright Royalty Tribunal under subsection (b) (3), engage in the following activities with respect to published nondramatic musical works and published pictorial, graphic, and sculptural works:

(1) performance or display of a work by or in the course of a transmission made by a noncommercial educational broadcast station referred to in subsection (g); and

(2) production of a transmission program, reproduction of copies or phonorecords of such a transmission program, and distribution of such copies or phonorecords, where such production, reproduction, or distribution is made by a nonprofit institution or organization solely for the purpose of transmissions specified in clause (1); and

(3) the making of reproductions by a governmental body or a nonprofit institution of a transmission program simultaneously with its transmission as specified in clause (1), and the performance or display of the contents of such program under the conditions specified by clause (1) of section 110, but only if the reproductions are used for performances or displays for a period of no more than seven days from the date of the transmission specified in clause (1), and are destroyed before or at the end of such period. No person supplying, in accordance with clause (2), a reproduction of a transmission program to governmental bodies or nonprofit institutions under this clause shall have any liability as a result of failure of such body or institution to destroy such reproduction: *Provided*, That it shall have notified such body or institution of the requirement for such destruction pursuant to this clause: *And provided further*, That if such body or institution itself fails to destroy such reproduction it shall be deemed to have infringed.

(e) Except as expressly provided in this subsection, this section shall have no applicability to works other than those specified in subsection (b).

(1) Owners of copyright in nondramatic literary works and public broadcasting entities may, during the course of voluntary negotiations, agree among themselves, respectively, as to the terms and rates of royalty payments without liability under the anti-trust laws. Any such terms and rates of royalty payments shall be effective upon filing in the Copyright Office, in accordance with regulations that the Register of Copyrights shall prescribe.

(2) On January 3, 1980, the Register of Copyrights, after consulting with authors and other owners of copyright in nondramatic literary works and their representatives, and with public broadcasting entities and their representatives, shall submit to the Congress a report setting forth the extent to which voluntary licensing arrangements have been reached with respect to the use of nondramatic literary works by such broadcast stations. The

report should also describe any problems that may have arisen, and present legislative or other recommendations, if warranted.

(f) Nothing in this section shall be construed to permit, beyond the limits of fair use as provided by section 107, the unauthorized dramatization of a nondramatic musical work, the production of a transmission program drawn to any substantial extent from a published compilation of pictorial, graphic, or sculptural works, or the unauthorized use of any portion of an audiovisual work.

(g) As used in this section, the term "public broadcasting entity" means a noncommercial educational broadcast station as defined in section 397 of title 47 and any nonprofit institution or organization engaged in the activities described in clause (2) of subsection (d).

* * *

§ 504. Remedies for infringement: Damages and profits

(a) IN GENERAL.—Except as otherwise provided by this title, an infringer of copyright is liable for either—

- (1) the copyright owner's actual damages and any additional profits of the infringer, as provided by subsection (b); or
- (2) statutory damages, as provided by subsection (c).

(b) ACTUAL DAMAGES AND PROFITS.—The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

(c) STATUTORY DAMAGES.—

(1) Except as provided by clause (2) of this subsection, the copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$250 or more than \$10,000 as the court considers just. For the purposes of this subsection, all the parts of a compilation or derivative work constitute one work.

(2) In a case where the copyright owner sustains the burden of proving, and the court finds, that infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of not more than \$50,000. In a case

where the infringer sustains the burden of proving, and the court finds, that such infringer was not aware and had no reason to believe that his or her acts constituted an infringement of copyright, the court in its discretion may reduce the award of statutory damages to a sum of not less than \$100. The court shall remit statutory damages in any case where an infringer believed and had reasonable grounds for believing that his or her use of the copyrighted work was a fair use under section 107, if the infringer was: (i) an employee or agent of a nonprofit educational institution, library, or archives acting within the scope of his or her employment who, or such institution, library, or archives itself, which infringed by reproducing the work in copies or phonorecords; or (ii) a public broadcasting entity which or a person who, as a regular part of the nonprofit activities of a public broadcasting entity (as defined in subsection (g) of section 118) infringed by performing a published nondramatic literary work or by reproducing a transmission program embodying a performance of such a work.

* * *

§ 602. Infringing importation of copies or phonorecords

(a) Importation into the United States, without the authority of the owner of copyright under this title, of copies or phonorecords of a work that have been acquired outside the United States is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under section 501. This subsection does not apply to—

(1) importation of copies or phonorecords under the authority or for the use of the Government of the United States or of any State or political subdivision of a State, but not including copies or phonorecords for use in schools, or copies of any audiovisual work imported for purposes other than archival use;

(2) importation, for the private use of the importer and not for distribution, by any person with respect to no more than one copy or phonorecord of any one work at any one time, or by any person arriving from outside the United States with respect to copies or phonorecords forming part of such person's personal baggage; or

(3) importation by or for an organization operated for scholarly, educational, or religious purposes and not for private gain, with respect to no more than one copy of an audiovisual work solely for its archival purposes, and no more than five copies or phonorecords of any other work for its library lending or archival purposes, unless the importation of such copies or phonorecords is part of an activity consisting of systematic reproduction or dis-

tribution, engaged in by such organization in violation of the provisions of section 108 (g) (2).

(b) In a case where the making of the copies or phonorecords would have constituted an infringement of copyright if this title had been applicable, their importation is prohibited. In a case where the copies or phonorecords were lawfully made, the United States Customs Service has no authority to prevent their importation unless the provisions of section 601 are applicable. In either case, the Secretary of the Treasury is authorized to prescribe, by regulation, a procedure under which any person claiming an interest in the copyright in a particular work may, upon payment of a specified fee, be entitled to notification by the Customs Service of the importation of articles that appear to be copies or phonorecords of the work.

* * * *

APPENDIX II

EXCERPTS FROM CONGRESSIONAL REPORTS ON S. 22

The explanatory material in Appendix II is reproduced from two sources (with official corrections inserted): 1--the House Judiciary Committee report on the copyright bill (H. Rept. 94-1476), and 2--the conference committee report (H. Rept. 94-1733). So that all explanatory material on each section will appear together, excerpts from the conference report are set off in boxes and inserted immediately following the relevant material from the House Judiciary Committee report. Appendix II is organized by section. It includes two sets of guidelines under section 107 and one set under section 108(g)(2).

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SECTION 106. EXCLUSIVE RIGHTS IN COPYRIGHTED WORKS

General scope of copyright

The five fundamental rights that the bill gives to copyright owners—the exclusive rights of reproduction, adaptation, publication, performance, and display—are stated generally in section 106. These exclusive rights, which comprise the so-called “bundle of rights” that is a copyright, are cumulative and may overlap in some cases. Each of the five enumerated rights may be subdivided indefinitely and, as discussed below in connection with section 201, each subdivision of an exclusive right may be owned and enforced separately.

The approach of the bill is to set forth the copyright owner’s exclusive rights in broad terms in section 106, and then to provide various limitations, qualifications, or exemptions in the 12 sections that follow. Thus, everything in section 106 is made “subject to sections 107 through 118,” and must be read in conjunction with those provisions.

The exclusive rights accorded to a copyright owner under section 106 are “to do and to authorize” any of the activities specified in the five numbered clauses. Use of the phrase “to authorize” is intended to avoid any questions as to the liability of contributory infringers. For example, a person who lawfully acquires an authorized copy of a motion picture would be an infringer if he or she engages in the business of renting it to others for purposes of unauthorized public performance.

Rights of reproduction, adaptation, and publication

The first three clauses of section 106, which cover all rights under a copyright except those of performance and display, extend to every kind of copyrighted work. The exclusive rights encompassed by these clauses, though closely related, are independent; they can generally be characterized as rights of copying, recording, adaptation, and publishing. A single act of infringement may violate all of these rights at once, as where a publisher reproduces, adapts, and sells copies of a person’s copyrighted work as part of a publishing venture. Infringement takes place when any one of the rights is violated: where, for example, a printer reproduces copies without selling them or a retailer sells copies without having anything to do with their reproduction. The references to “copies or phonorecords,” although in the plural, are intended here and throughout the bill to include the singular (1 U.S.C. §1).

Reproduction.—Read together with the relevant definitions in section 101, the right “to reproduce the copyrighted work in copies or phonorecords” means the right to produce a material object in which the work is duplicated, transcribed, imitated, or simulated in a fixed form from which it can be “perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” As

under the present law, a copyrighted work would be infringed by reproducing it in whole or in any substantial part, and by duplicating it exactly or by imitation or simulation. Wide departures or variations from the copyrighted works would still be an infringement as long as the author's "expression" rather than merely the author's "ideas" are taken. An exception to this general principle, applicable to the reproduction of copyrighted sound recordings, is specified in section 114.

"Reproduction" under clause (1) of section 106 is to be distinguished from "display" under clause (5). For a work to be "reproduced," its fixation in tangible form must be "sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration." Thus, the showing of images on a screen or tube would not be a violation of clause (1), although it might come within the scope of clause (5).

Preparation of derivative works.—The exclusive right to prepare derivative works, specified separately in clause (2) of section 106, overlaps the exclusive right of reproduction to some extent. It is broader than that right, however, in the sense that reproduction requires fixation in copies or phonorecords, whereas the preparation of a derivative work, such as a ballet, pantomime, or improvised performance, may be an infringement even though nothing is ever fixed in tangible form.

To be an infringement the "derivative work" must be "based upon the copyrighted work," and the definition in section 101 refers to "a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted." Thus, to constitute a violation of section 106(2), the infringing work must incorporate a portion of the copyrighted work in some form; for example, a detailed commentary on a work or a programmatic musical composition inspired by a novel would not normally constitute infringements under this clause.

Use in information storage and retrieval systems.—As section 117 declares explicitly, the bill is not intended to alter the present law with respect to the use of copyrighted works in computer systems.

Public distribution.—Clause (3) of section 106 establishes the exclusive right of publications: The right "to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending." Under this provision the copyright owner would have the right to control the first public distribution of an authorized copy or phonorecord of his work, whether by sale, gift, loan, or some rental or lease arrangement. Likewise, any unauthorized public distribution of copies or phonorecords that were unlawfully made would be an infringement. As section 109 makes clear, however, the copyright owner's rights under section 106(3) cease with respect to a particular copy or phonorecord once he has

parted with ownership of it.

Rights of public performance and display

Performing rights and the "for profit" limitation.—The right of public performance under section 106(4) extends to "literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works and sound recordings" and, unlike the equivalent provisions now in effect, is not limited by any "for profit" requirement. The approach of the bill, as in many foreign laws, is first to state the public performance right in broad terms, and then to provide specific exemptions for educational and other nonprofit uses.

This approach is more reasonable than the outright exemption of the 1909 statute. The line between commercial and "nonprofit" organizations is increasingly difficult to draw. Many "non-profit" organizations are highly subsidized and capable of paying royalties, and the widespread public exploitation of copyrighted works by public broadcasters and other noncommercial organizations is likely to grow. In addition to these trends, it is worth noting that performances and displays are continuing to supplant markets for printed copies and that in the future a broad "not for profit" exemption could not only hurt authors but could dry up their incentive to write.

The exclusive right of public performance is expanded to include not only motion pictures, including works recorded on film, video tape, and video disks, but also audiovisual works such as filmstrips and sets of slides. This provision of section 106(4), which is consistent with the assimilation of motion pictures to audiovisual works throughout the bill, is also related to amendments of the definitions of "display" and "perform" discussed below. The important issue of performing rights in sound recordings is discussed in connection with section 114.

Right of public display.—Clause (5) of section 106 represents the first explicit statutory recognition in American copyright law of an exclusive right to show a copyrighted work, or an image of it, to the public. The existence or extent of this right under the present statute is uncertain and subject to challenge. The bill would give the owners of copyright in "literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works", including the individual images of a motion picture or other audiovisual work, the exclusive right "to display the copyrighted work publicly."

Definitions

Under the definitions of "perform," "display," "publicly," and "transmit" in section 101, the concepts of public performance and public display cover not only the initial rendition or showing, but also any further act by which that rendition or showing is transmitted or communicated to the public. Thus, for example: a singer is performing when he or she sings a song; a broadcasting network is performing

when it transmits his or her performance (whether simultaneously or from records); a local broadcaster is performing when it transmits the network broadcast; a cable television system is performing when it retransmits the broadcast to its subscribers; and any individual is performing whenever he or she plays a phonorecord embodying the performance or communicates the performance by turning on a receiving set. Although any act by which the initial performance or display is transmitted, repeated, or made to recur would itself be a "performance" or "display" under the bill, it would not be actionable as an infringement unless it were done "publicly," as defined in section 101. Certain other performances and displays, in addition to those that are "private," are exempted or given qualified copyright control under sections 107 through 118.

To "perform" a work, under the definition in section 101, includes reading a literary work aloud, singing or playing music, dancing a ballet or other choreographic work, and acting out a dramatic work or pantomime. A performance may be accomplished "either directly or by means of any device or process," including all kinds of equipment for reproducing or amplifying sounds or visual images, any sort of transmitting apparatus, any type of electronic retrieval system, and any other techniques and systems not yet in use or even invented.

The definition of "perform" in relation to "a motion picture or other audio visual work" is "to show its images in any sequence or to make the sounds accompanying it audible." The showing of portions of a motion picture, filmstrip, or slide set must therefore be sequential to constitute a "performance" rather than a "display", but no particular order need be maintained. The purely aural performance of a motion picture sound track, or of the sound portions of an audiovisual work, would constitute a performance of the "motion picture or other audiovisual work"; but, where some of the sounds have been reproduced separately on phonorecords, a performance from the phonorecord would not constitute performance of the motion picture or audiovisual work.

The corresponding definition of "display" covers any showing of a "copy" of the work, "either directly or by means of a film, slide, television image, or any other device or process." Since "copies" are defined as including the material object "in which the work is first fixed," the right of public display applies to original works of art as well as to reproductions of them. With respect to motion pictures and other audiovisual works, it is a "display" (rather than a "performance") to show their "individual images nonsequentially." In addition to the direct showings of a copy of a work, "display" would include the projection of an image on a screen or other surface by any method, the transmission of an image by electronic or other means, and the showing of an image on a cathode ray tube, or similar viewing apparatus connected with any sort of information storage and retrieval system.

Under clause (1) of the definition of "publicly" in section 101, a performance or display is "public" if it takes place "at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered." One of the principal purposes of the definition was to make clear that, contrary to the decision in *Metro-Goldwyn-Mayer Distributing Corp. v. Wyatt*, 21 C.O. Bull. 203 (D. Md. 1932), performances in "semipublic" places such as clubs, lodges, factories, summer camps, and schools are "public performances" subject to copyright control. The term "a family" in this context would include an individual living alone, so that a gathering confined to the individual's social acquaintances would normally be regarded as private. Routine meetings of businesses and governmental personnel would be excluded because they do not represent the gathering of a "substantial number of persons."

Clause (2) of the definition of "publicly" in section 101 makes clear that the concepts of public performance and public display include not only performances and displays that occur initially in a public place, but also acts that transmit or otherwise communicate a performance or display of the work to the public by means of any device or process. The definition of "transmit"—to communicate a performance or display "by any device or process whereby images or sound are received beyond the place from which they are sent"—is broad enough to include all conceivable forms and combinations of wired or wireless communications media, including but by no means limited to radio and television broadcasting as we know them. Each and every method by which the images or sounds comprising a performance or display are picked up and conveyed is a "transmission," and if the transmission reaches the public in any form, the case comes within the scope of clauses (4) or (5) of section 106.

Under the bill, as under the present law, a performance made available by transmission to the public at large is "public" even though the recipients are not gathered in a single place, and even if there is no proof that any of the potential recipients was operating his receiving apparatus at the time of the transmission. The same principles apply whenever the potential recipients of the transmission represent a limited segment of the public, such as the occupants of hotel rooms or the subscribers of a cable television service. Clause (2) of the definition of "publicly" is applicable "whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times."

SECTION 107. FAIR USE

General background of the problem

The judicial doctrine of fair use, one of the most important and well-established limitations on the exclusive right of copyright owners,

would be given express statutory recognition for the first time in section 107. The claim that a defendant's acts constituted a fair use rather than an infringement has been raised as a defense in innumerable copyright actions over the years, and there is ample case law recognizing the existence of the doctrine and applying it. The examples enumerated at page 24 of the Register's 1961 Report, while by no means exhaustive, give some idea of the sort of activities the courts might regard as fair use under the circumstances: "quotation of excerpts in a review or criticism for purposes of illustration or comment; quotation of short passages in a scholarly or technical work, for illustration or clarification of the author's observations; use in a parody of some of the content of the work parodied; summary of an address or article, with brief quotations, in a news report; reproduction by a library of a portion of a work to replace part of a damaged copy; reproduction by a teacher or student of a small part of a work to illustrate a lesson; reproduction of a work in legislative or judicial proceedings or reports; incidental and fortuitous reproduction, in a newsreel or broadcast, of a work located in the scene of an event being reported."

Although the courts have considered and ruled upon the fair use doctrine over and over again, no real definition of the concept has ever emerged. Indeed, since the doctrine is an equitable rule of reason, no generally applicable definition is possible, and each case raising the question must be decided on its own facts. On the other hand, the courts have evolved a set of criteria which, though in no case definitive or determinative, provide some gauge for balancing the equities. These criteria have been stated in various ways, but essentially they can all be reduced to the four standards which have been adopted in section 107: "(1) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work."

These criteria are relevant in determining whether the basic doctrine of fair use, as stated in the first sentence of section 107, applies in a particular case: "Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright."

The specific wording of section 107 as it now stands is the result of a process of accretion, resulting from the long controversy over the related problems of fair use and the reproduction (mostly by photocopying) of copyrighted material for educational and scholarly purposes. For example, the reference to fair use "by reproduction in copies or

phonorecords or by any other means" is mainly intended to make clear that the doctrine has as much application to photocopying and taping as to older forms of use; it is not intended to give these kinds of reproduction any special status under the fair use provision or to sanction any reproduction beyond the normal and reasonable limits of fair use. Similarly, the newly-added reference to "multiple copies for classroom use" is a recognition that, under the proper circumstances of fairness, the doctrine can be applied to reproductions of multiple copies for the members of a class.

The Committee has amended the first of the criteria to be considered—"the purpose and character of the use"—to state explicitly that this factor includes a consideration of "whether such use is of a commercial nature or is for non-profit educational purposes." This amendment is not intended to be interpreted as any sort of not-for-profit limitation on educational uses of copyrighted works. It is an express recognition that, as under the present law, the commercial or non-profit character of an activity, while not conclusive with respect to fair use, can and should be weighed along with other factors in fair use decisions.

General intention behind the provision

The statement of the fair use doctrine in section 107 offers some guidance to users in determining when the principles of the doctrine apply. However, the endless variety of situations and combinations of circumstances that can rise in particular cases precludes the formulation of exact rules in the statute. The bill endorses the purpose and general scope of the judicial doctrine of fair use, but there is no disposition to freeze the doctrine in the statute, especially during a period of rapid technological change. Beyond a very broad statutory explanation of what fair use is and some of the criteria applicable to it, the courts must be free to adapt the doctrine to particular situations on a case-by-case basis. Section 107 is intended to restate the present judicial doctrine of fair use, not to change, narrow, or enlarge it in any way.

Intention as to classroom reproduction

Although the works and uses to which the doctrine of fair use is applicable are as broad as the copyright law itself, most of the discussion of section 107 has centered around questions of classroom reproduction, particularly photocopying. The arguments on the question are summarized at pp. 30-31 of this Committee's 1967 report (H.R. Rep. No. 83, 90th Cong., 1st Sess.), and have not changed materially in the intervening years.

The Committee also adheres to its earlier conclusion, that "a specific exemption freeing certain reproductions of copyrighted works for educational and scholarly purposes from copyright control is not justified." At the same time the Committee recognizes, as it did in

1967, that there is a "need for greater certainty and protection for teachers." In an effort to meet this need the Committee has not only adopted further amendments to section 107, but has also amended section 504(c) to provide innocent teachers and other non-profit users of copyrighted material with broad insulation against unwarranted liability for infringement. The latter amendments are discussed below in connection with Chapter 5 of the bill.

In 1967 the Committee also sought to approach this problem by including, in its report, a very thorough discussion of "the considerations lying behind the four criteria listed in the amended section 107, in the context of typical classroom situations arising today." This discussion appeared on pp. 32-35 of the 1967 report, and with some changes has been retained in the Senate report on S. 22 (S. Rep. No. 94-473, pp. 63-65). The Committee has reviewed this discussion, and considers that it still has value as an analysis of various aspects of the problem.

At the Judiciary Subcommittee hearings in June 1975, Chairman Kastenmeier and other members urged the parties to meet together independently in an effort to achieve a meeting of the minds as to permissible educational uses of copyrighted material. The response to these suggestions was positive, and a number of meetings of three groups, dealing respectively with classroom reproduction of printed material, music, and audio-visual material, were held beginning in September 1975.

In a joint letter to Chairman Kastenmeier, dated March 19, 1976, the representatives of the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revision, and of the Authors League of America, Inc., and the Association of American Publishers, Inc., stated:

You may remember that in our letter of March 8, 1976 we told you that the negotiating teams representing authors and publishers and the Ad Hoc Group had reached tentative agreement on guidelines to insert in the Committee Report covering educational copying from books and periodicals under Section 107 of H.R. 2223 and S. 22, and that as part of that tentative agreement each side would accept the amendments to Sections 107 and 504 which were adopted by your Subcommittee on March 3, 1976.

We are now happy to tell you that the agreement has been approved by the principals and we enclose a copy herewith. We had originally intended to translate the agreement into language suitable for inclusion in the legislative report dealing with Section 107, but we have since been advised by committee staff that this will not be necessary.

As stated above, the agreement refers only to copying from books and periodicals, and it is not intended to apply to musi-

cal or audiovisual works.
The full text of the agreement is as follows:

AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN
NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS

WITH RESPECT TO BOOKS AND PERIODICALS

and not the maximum
The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

GUIDELINES

I. *Single Copying for Teachers*

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper;

II. *Multiple Copies for Classroom Use*

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; *provided that:*

- A. The copying meets the tests of brevity and spontaneity as defined below; *and,*

- B. Meets the cumulative effect test as defined below; and,
C. Each copy includes a notice of copyright

Definitions

Brevity

(i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.

(ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity

(i) The copying is at the instance and inspiration of the individual teacher, and

(ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

(i) The copying of the material is for only one course in the school in which the copies are made.

(ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

III. Prohibitions as to I and II Above

Notwithstanding any of the above, the following shall be prohibited:

(A) Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

(B) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

(C) Copying shall not:

(a) substitute for the purchase of books, publishers' reprints or periodicals;

(b) be directed by higher authority;

(c) be repeated with respect to the same item by the same teacher from term to term.

(D) No charge shall be made to the student beyond the actual cost of the photocopying.

Agreed MARCH 19, 1976.

Ad Hoc Committee on Copyright Law Revision:

By SHELDON ELLIOTT STEINBACH.

Author-Publisher Group:

Authors League of America:

By IRWIN KARP, *Counsel.*

Association of American Publishers, Inc.:

By ALEXANDER C. HOFFMAN,

Chairman, Copyright Committee.

The conference report confirms that the concept of "teacher" in the above guidelines is intended by Congress to be defined broadly and to include "instructional specialists working in consultation with actual instructors."

In a joint letter dated April 30, 1976, representatives of the Music Publishers' Association of the United States, Inc., the National Music Publishers' Association, Inc., the Music Teachers National Association, the Music Educators National Conference, the National Association of Schools of Music, and the Ad Hoc Committee on Copyright Law Revision, wrote to Chairman Kastenmeier as follows:

During the hearings on H.R. 2223 in June 1975, you and

several of your subcommittee members suggested that concerned groups should work together in developing guidelines which would be helpful to clarify Section 107 of the bill.

Representatives of music educators and music publishers delayed their meetings until guidelines had been developed relative to books and periodicals. Shortly after that work was completed and those guidelines were forwarded to your subcommittee, representatives of the undersigned music organizations met together with representatives of the Ad Hoc Committee on Copyright Law Revision to draft guidelines relative to music.

We are very pleased to inform you that the discussions thus have been fruitful on the guidelines which have been developed. Since private music teachers are an important factor in music education, due consideration has been given to the concerns of that group.

We trust that this will be helpful in the report on the bill to clarify Fair Use as it applies to music.

The text of the guidelines accompanying this letter is as follows :

GUIDELINES FOR EDUCATIONAL USES OF MUSIC

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of HR 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future, and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

A. Permissible Uses

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. (a) For academic purposes other than performance, *single or* multiple copies of excerpts of works may be made, provided

that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a ~~section, movement or aria~~ ^{selection}, but in no case more than ~~(10% of the whole work)~~ ^{percent}. The number of copies shall not exceed one copy per pupil.

(b) For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations or collective works.

2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

3. Copying for the purpose of performance, except as in A(1) above.

4. Copying for the purpose of substituting for the purchase of music, except as in A(1) and A(2) above.

5. Copying without inclusion of the copyright notice which appears on the printed copy.

The problem of off-the-air taping for nonprofit classroom use of copyrighted audiovisual works incorporated in radio and television broadcasts has proved to be difficult to resolve. The Committee believes that the fair use doctrine has some limited application in this area, but it appears that the development of detailed guidelines will require a more thorough exploration than has so far been possible of the needs and problems of a number of different interests affected, and of the

various legal problems presented. Nothing in section 107 or elsewhere in the bill is intended to change or prejudice the law on the point. On the other hand, the Committee is sensitive to the importance of the problem, and urges the representatives of the various interests, if possible under the leadership of the Register of Copyrights, to continue their discussions actively and in a constructive spirit. If it would be helpful to a solution, the Committee is receptive to undertaking further consideration of the problem in a future Congress.

The Committee appreciates and commends the efforts and the cooperative and reasonable spirit of the parties who achieved the agreed guidelines on books and periodicals and on music. Representatives of the American Association of University Professors and of the Association of American Law Schools have written to the Committee strongly criticizing the guidelines, particularly with respect to multiple copying, as being too restrictive with respect to classroom situations at the university and graduate level. However, the Committee notes that the Ad Hoc group did include representatives of higher education, that the stated "purpose of the . . . guidelines is to state the minimum and not the maximum standards of educational fair use" and that the agreement acknowledges "there may be instances in which copying which does not fall within the guidelines . . . may nonetheless be permitted under the criteria of fair use."

The Committee believes the guidelines are a reasonable interpretation of the minimum standards of fair use. Teachers ~~are~~ will know that copying within the guidelines is fair use. Thus, the guidelines serve the purpose of fulfilling the need for greater certainty and protection for teachers. The Committee expresses the hope that if there are areas where standards other than these guidelines may be appropriate, the parties will continue their efforts to provide additional specific guidelines in the same spirit of good will and give and take that has marked the discussion of this subject in recent months.

Reproduction and uses for other purposes

The concentrated attention given the fair use provision in the context of classroom teaching activities should not obscure its application in other areas. It must be emphasized again that the same general standards of fair use are applicable to all kinds of uses of copyrighted material, although the relative weight to be given them will differ from case to case.

The fair use doctrine would be relevant to the use of excerpts from copyrighted works in educational broadcasting activities not exempted under section 110(2) or 112, and not covered by the licensing provisions of section 118. In these cases the factors to be weighed in applying the criteria of this section would include whether the performers, producers, directors, and others responsible for the broadcast were paid, the size and nature of the audience, the size and num-

ber of excerpts taken and, in the case of recordings made for broadcast, the number of copies reproduced and the extent of their reuse or exchange. The availability of the fair use doctrine to educational broadcasters would be narrowly circumscribed in the case of motion pictures and other audiovisual works, but under appropriate circumstances it could apply to the nonsequential showing of an individual still or slide, or to the performance of a short excerpt from a motion picture for criticism or comment.

Another special instance illustrating the application of the fair use doctrine pertains to the making of copies or phonorecords of works in the special forms needed for the use of blind persons. These special forms, such as copies in Braille and phonorecords of oral readings (talking books), are not usually made by the publishers for commercial distribution. For the most part, such copies and phonorecords are made by the Library of Congress' Division for the Blind and Physically Handicapped with permission obtained from the copyright owners, and are circulated to blind persons through regional libraries covering the nation. In addition, such copies and phonorecords are made locally by individual volunteers for the use of blind persons in their communities, and the Library of Congress conducts a program for training such volunteers. While the making of multiple copies or phonorecords of a work for general circulation requires the permission of the copyright owner, a problem addressed in section 710 of the bill, the making of a single copy or phonorecord by an individual as a free service for a blind persons would properly be considered a fair use under section 107.

A problem of particular urgency is that of preserving for posterity prints of motion pictures made before 1942. Aside from the deplorable fact that in a great many cases the only existing copy of a film has been deliberately destroyed, those that remain are in immediate danger of disintegration; they were printed on film stock with a nitrate base that will inevitably decompose in time. The efforts of the Library of Congress, the American Film Institute, and other organizations to rescue and preserve this irreplaceable contribution to our cultural life are to be applauded, and the making of duplicate copies for purposes of archival preservation certainly falls within the scope of "fair use."

When a copyrighted work contains unfair, inaccurate, or derogatory information concerning an individual or institution, the individual or institution may copy and reproduce such parts of the work as are necessary to permit understandable comment on the statements made in the work.

The Committee has considered the question of publication, in Congressional hearings and documents, of copyrighted material. Where the length of the work or excerpt published and the number of copies authorized are reasonable under the circumstances, and the work

itself is directly relevant to a matter of legitimate legislative concern, the Committee believes that the publication would constitute fair use.

During the consideration of the revision bill in the 94th Congress it was proposed that independent newsletters, as distinguished from house organs and publicity or advertising publications, be given separate treatment. It is argued that newsletters are particularly vulnerable to mass photocopying, and that most newsletters have fairly modest circulations. Whether the copying of portions of a newsletter is an act of infringement or a fair use will necessarily turn on the facts of the individual case. However, as a general principle, it seems clear that the scope of the fair use doctrine should be considerably narrower in the case of newsletters than in that of either mass-circulation periodicals or scientific journals. The commercial nature of the user is a significant factor in such cases: Copying by a profit-making user of even a small portion of a newsletter may have a significant impact on the commercial market for the work.

The Committee has examined the use of excerpts from copyrighted works in the art work of calligraphers. The committee believes that a single copy reproduction of an excerpt from a copyrighted work by a calligrapher for a single client does not represent an infringement of copyright. Likewise, a single reproduction of excerpts from a copyrighted work by a student calligrapher or teacher in a learning situation would be a fair use of the copyrighted work.

The Register of Copyrights has recommended that the committee report describe the relationship between this section and the provisions of section 108 relating to reproduction by libraries and archives. The doctrine of fair use applies to library photocopying, and nothing contained in section 108 "in any way affects the right of fair use." No provision of section 108 is intended to take away any rights existing under the fair use doctrine. To the contrary, section 108 authorizes certain photocopying practices which may not qualify as a fair use.

The criteria of fair use are necessarily set forth in general terms. In the application of the criteria of fair use to specific photocopying practices of libraries, it is the intent of this legislation to provide an appropriate balancing of the rights of creators, and the needs of users.

SECTION 108. REPRODUCTION BY LIBRARIES AND ARCHIVES

Notwithstanding the exclusive rights of the owners of copyright, section 108 provides that under certain conditions it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce or distribute not more than one copy or phonorecord of a work, provided (1) the reproduction or distribution is made without any purpose of direct or indirect commercial advantage and (2) the collections of the library or archives are open to the public or available not only to researchers

affiliated with the library or archives, but also to other persons doing research in a specialized field, and (3) the reproduction or distribution of the work includes a notice of copyright.

Under this provision, a purely commercial enterprise could not establish a collection of copyrighted works, call itself a library or archive, and engage in for-profit reproduction and distribution of photocopies. Similarly, it would not be possible for a non-profit institution, by means of contractual arrangements with a commercial copying enterprise, to authorize the enterprise to carry out copying and distribution functions that would be exempt if conducted by the non-profit institution itself.

The reference to "indirect commercial advantage" has raised questions as to the status of photocopying done by or for libraries or archival collections within industrial, profitmaking, or proprietary institutions (such as the research and development departments of chemical, pharmaceutical, automobile, and oil corporations, the library of a proprietary hospital, the collections owned by a law or medical partnership, etc.).

There is a direct interrelationship between this problem and the prohibitions against "multiple" and "systematic" photocopying in section 108(g) (1) and (2). Under section 108, a library in a profit-making organization would not be authorized to:

(a) use a single subscription or copy to supply its employees with multiple copies of material relevant to their work; or

(b) use a single subscription or copy to supply its employees, on request, with single copies of material relevant to their work, where the arrangement is "systematic" in the sense of deliberately substituting photocopying for subscription or purchase; or

(c) use "interlibrary loan" arrangements for obtaining photocopies in such aggregate quantities as to substitute for subscriptions or purchase of material needed by employees in their work.

Moreover, a library in a profit-making organization could not evade these obligations by installing reproducing equipment on its premises for unsupervised use by the organization's staff.

Isolated, spontaneous making of single photocopies by a library in a for-profit organization, without any systematic effort to substitute photocopying for subscriptions or purchases, would be covered by section 108, even though the copies are furnished to the employees of the organization for use in their work. Similarly, for-profit libraries could ^{re} participate in interlibrary arrangements for exchange of photocopies, as long as the production or distribution was not "systematic." These activities, by themselves, would ordinarily not be considered "for direct or indirect commercial advantages," since the "advantage" referred to in this clause must attach to the immediate commercial motivation behind the reproduction or distribution itself, rather than to the ultimate profit-making motivation behind the enterprise in which the

library is located. On the other hand, section 108 would not excuse reproduction or distribution if there were a commercial motive behind the actual making or distributing of the copies, if multiple copies were made or distributed, or if the photocopying activities were "systematic" in the sense that their aim was to substitute for subscriptions or purchases.

Another point of interpretation involves the meaning of "indirect commercial advantage," as used in section 108(a)(1), in the case of libraries or archival collections within industrial, profit-making, or proprietary institutions. As long as the library or archives meets the criteria in section 108(a) and the other requirements of the section, including the prohibitions against multiple and systematic copying in subsection (g), the conferees consider that the isolated, spontaneous making of single photocopies by a library or archives in a for-profit organization without any commercial motivation, or participation by such a library or archives in interlibrary arrangements, would come within the scope of section 108.

The rights of reproduction and distribution under section 108 apply in the following circumstances:

Archival reproduction

Subsection (b) authorizes the reproduction and distribution of a copy or phonorecord of an unpublished work duplicated in facsimile form solely for purposes of preservation and security, or for deposit for research use in another library or archives, if the copy or phonorecord reproduced is currently in the collections of the first library or archives. Only unpublished works could be reproduced under this exemption, but the right would extend to any type of work, including photographs, motion pictures and sound recordings. Under this exemption, for example, a repository could make photocopies of manuscripts by microfilm or electrostatic process, but could not reproduce the work in "machine-readable" language for storage in an information system.

Replacement of damaged copy

Subsection (c) authorizes the reproduction of a published work duplicated in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price. The scope and nature of a reasonable investigation to determine that an unused replacement cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal

situation also to the publisher or other copyright owner (if such owner can be located at the address listed in the copyright registration), or an authorized reproducing service.

Articles and small excerpts

Subsection (d) authorizes the reproduction and distribution of a copy of not more than one article or other contribution to a copyrighted collection or periodical issue, or of a copy or phonorecord of a small part of any other copyrighted work. The copy or phonorecord may be made by the library where the user makes his request or by another library pursuant to an interlibrary loan. It is further required that the copy become the property of the user, that the library or archives have no notice that the copy would be used for any purposes other than private study, scholarship or research, and that the library or archives display prominently at the place where reproduction requests are accepted, and includes in its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

Out-of-print works

Subsection (e) authorizes the reproduction and distribution of a copy or phonorecord of an entire work under certain circumstances, if it has been established that a copy cannot be obtained at a fair price. The copy may be made by the library where the user makes his request or by another library pursuant to an interlibrary loan. The scope and nature of a reasonable investigation to determine that an unused copy cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if the owner can be located at the address listed in the copyright registration), or an authorized reproducing service. It is further required that the copy become the property of the user, that the library or archives have no notice that the copy would be used for any purpose other than private study, scholarship, or research, and that the library or archives display prominently at the place where reproduction requests are accepted, and include on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

General exemptions

Clause (1) of subsection (f) specifically exempts a library or archives or its employees from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law. Clause (2) of subsection (f) makes clear that this exemption of the library or archives does not extend

to the person using such equipment or requesting such copy if the use exceeds fair use. Insofar as such person is concerned the copy or phonorecord made is not considered "lawfully" made for purposes of sections 109, 110 or other provisions of the title.

Clause (3) provides that nothing in section 108 is intended to limit the reproduction and distribution by lending of a limited number of copies and excerpts of an audiovisual news program. This exemption is intended to apply to the daily newscasts of the national television networks, which report the major events of the day. It does not apply to documentary (except documentary programs involving news reporting as that term is used in section 107), magazine-format or other public affairs broadcasts dealing with subjects of general interest to the viewing public.

The clause was first added to the revision bill in 1974 by the adoption of an amendment proposed by Senator Baker. It is intended to permit libraries and archives, subject to the general conditions of this section, to make off-the-air videotape recordings of daily network newscasts for limited distribution to scholars and researchers for use in research purposes. As such, it is an adjunct to the American Television and Radio Archive established in Section 113 of the Act which will be the principal repository for television broadcast material, including news broadcasts. The inclusion of language indicating that such material may only be distributed by lending by the library or archive is intended to preclude performance, copying, or sale, whether or not for profit, by the recipient of a copy of a television broadcast taped off-the-air pursuant to this clause.

The conference committee is aware that an issue has arisen as to the meaning of the phrase "audiovisual news program" in section 108 (f) (3). The conferees believe that, under the provision as adopted in the conference substitute, a library or archives qualifying under section 108(a) would be free, without regard to the archival activities of the Library of Congress or any other organization, to reproduce, on videotape or any other medium of fixation or reproduction, local, regional, or network newscasts, interviews concerning current news events, and on-the-spot coverage of news events, and to distribute a limited number of reproductions of such a program on a loan basis.

Clause (4), in addition to asserting that nothing contained in section 108 "affects the right of fair use as provided by section 107," also provides that the right of reproduction granted by this section does not override any contractual arrangements assumed by a library or archives when it obtained a work for its collections. For example, if there is an express contractual prohibition against reproduction for

any purpose, this legislation shall not be construed as justifying a violation of the contract. This clause is intended to encompass the situation where an individual makes papers, manuscripts or other works available to a library with the understanding that they will not be reproduced.

It is the intent of this legislation that a subsequent unlawful use by a user of a copy or phonorecord of a work lawfully made by a library, shall not make the library liable for such improper use.

Multiple copies and systematic reproduction

Subsection (g) provides that the rights granted by this section extend only to the "isolated and unrelated reproduction of a single copy or phonorecord of the same material on separate occasions." However, this section does not authorize the related or concerted reproduction of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by the individual members of a group.

With respect to material described in subsection (d)—articles or other contributions to periodicals or collections, and small parts of other copyrighted works—subsection (g) (2) provides that the exemptions of section 108 do not apply if the library or archive engages in "systematic reproduction or distribution of single or multiple copies or phonorecords." This provision in S. 22 provoked a storm of controversy, centering around the extent to which the restrictions on "systematic" activities would prevent the continuation and development of interlibrary networks and other arrangements involving the exchange of photocopies. After thorough consideration, the Committee amended section 108(g) (2) to add the following proviso:

Provided, that nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

In addition, the Committee added a new subsection (i) to section 108, requiring the Register of Copyrights, five years from the effective date of the new Act and at five-year intervals thereafter, to report to Congress upon "the extent to which this section has achieved the intended statutory balancing of the rights of creators, and the needs of users," and to make appropriate legislative or other recommendations. As noted in connection with section 107, the Committee also amended section 504(c) in a way that would insulate librarians from unwarranted liability for copyright infringement; this amendment is discussed below.

The key phrases in the Committee's amendment of section 108(g) (2) are "aggregate quantities" and "substitute for a subscription to or purchase of" a work. To be implemented effectively in practice, these provisions will require the development and implementation of more-or-less specific guidelines establishing criteria to govern various situations.

The National Commission on New Technological Uses of Copyrighted Works (CONTU) offered to provide good offices in helping to develop these guidelines. This offer was accepted and, although the final text of guidelines has not yet been achieved, the Committee has reason to hope that, within the next month, some agreement can be reached on an initial set of guidelines covering practices under section 108(g) (2).

The conference committee understands that the guidelines are not intended as, and cannot be considered, explicit rules or directions governing any and all cases, now or in the future. It is recognized that their purpose is to provide guidance in the most commonly-encountered interlibrary photocopying situations, that they are not intended to be limiting or determinative in themselves or with respect to other situations, and that they deal with an evolving situation that will undoubtedly require their continuous reevaluation and adjustment. With these qualifications, the conference committee agrees that the guidelines are a reasonable interpretation of the proviso of section 108(g) (2) in the most common situations to which they apply today.

The text of the guidelines follows:

PHOTOCOPYING—INTERLIBRARY ARRANGEMENTS

INTRODUCTION

Subsection 108(g) (2) of the bill deals, among other things, with limits on interlibrary arrangements for photocopying. It prohibits systematic photocopying of copyrighted materials but permits interlibrary arrangements "that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work."

The National Commission on New Technological Uses of Copyrighted Works offered its good offices to the House and Senate subcommittees in bringing the interested parties together to see if agreement could be reached on what a realistic definition would be of "such aggregate quantities." The Commission consulted with the parties and suggested the interpretation which follows, on which there has been substantial agreement by the principal library, publisher,

and author organizations. The Commission considers the guidelines which follow to be a workable and fair interpretation of the intent of the proviso portion of subsection 108(g) (2).

These guidelines are intended to provide guidance in the application of section 108 to the most frequently encountered interlibrary case: a library's obtaining from another library, in lieu of interlibrary loan, copies of articles from relatively recent issues of periodicals—those published within five years prior to the date of the request. The guidelines do not specify what aggregate quantity of copies of an article or articles published in a periodical, the issue date of which is more than five years prior to the date when the request for the copy thereof is made, constitutes a substitute for a subscription to such periodical. The meaning of the proviso to subsection 108(g) (2) in such case is left to future interpretation.

The point has been made that the present practice on interlibrary loans and use of photocopies in lieu of loans may be supplemented or even largely replaced by a system in which one or more agencies or institutions, public or private, exist for the specific purpose of providing a central source for photocopies. Of course, these guidelines would not apply to such a situation.

GUIDELINES FOR THE PROVISO OF SUBSECTION 108(G) (2)

1. As used in the proviso of subsection 108(g) (2), the words ". . . such aggregate quantities as to substitute for a subscription to or purchase of such work" shall mean:

(a) with respect to any given periodical (as opposed to any given issue of a periodical), filled requests of a library or archives (a "requesting entity") within any calendar year for a total of six or more copies of an article or articles published in such periodical within five years prior to the date of the request. These guidelines specifically shall not apply, directly or indirectly, to any request of a requesting entity for a copy or copies of an article or articles published in any issue of a periodical, the publication date of which is more than five years prior to the date when the request is made. These guidelines do not define the meaning, with respect to such a request, of ". . . such aggregate quantities as to substitute for a subscription to [such periodical]".

(b) With respect to any other material described in subsection 108(d), (including fiction and poetry), filled requests of a requesting entity within any calendar year for a total of six or more copies or phonorecords of or from any given work (including a collective work) during the entire period when such material shall be protected by copyright.

2. In the event that a requesting entity—

(a) shall have in force or shall have entered an order for a

subscription to a periodical, or

(b) has within its collection, or shall have entered an order for, a copy or phonorecord of any other copyrighted work, material from either category of which it desires to obtain by copy from another library or archives (the "supplying entity"), because the material to be copied is not reasonably available for use by the requesting entity itself, then the fulfillment of such request shall be treated as though the requesting entity made such copy from its own collection. A library or archives may request a copy or phonorecord from a supplying entity only under those circumstances where the requesting entity would have been able, under the other provisions of section 108, to supply such copy from materials in its own collection.

3. No request for a copy or phonorecord of any material to which these guidelines apply may be fulfilled by the supplying entity unless such request is accompanied by a representation by the requesting entity that the request was made in conformity with these guidelines.

4. The requesting entity shall maintain records of all requests made by it for copies or phonorecords of any materials to which these guidelines apply and shall maintain records of the fulfillment of such requests, which records shall be retained until the end of the third complete calendar year after the end of the calendar year in which the respective request shall have been made.

5. As part of the review provided for in subsection 108(i), these guidelines shall be reviewed not later than five years from the effective date of this bill.

Works excluded

Subsection (h) provides that the rights of reproduction and distribution under this section do not apply to a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than "an audiovisual work dealing with news." The latter term is intended as the equivalent in meaning of the phrase "audiovisual news program" in section 108(f) (3). The exclusions under subsection (h) do not apply to archival reproduction under subsection (b), to replacement of damaged or lost copies or phonorecords under subsection (c), or to "pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works of which copies are reproduced or distributed in accordance with subsections (d) and (e)."

Although subsection (h) generally removes musical, graphic, and audiovisual works from the specific exemptions of section 108, it is important to recognize that the doctrine of fair use under section 107 remains fully applicable to the photocopying or other reproduction of such works. In the case of music, for example, it would be fair use for a scholar doing musicological research to have a library supply a copy

of a portion of a score or to reproduce portions of a phonorecord of a work. Nothing in section 108 impairs the applicability of the fair use doctrine to a wide variety of situations involving photocopying or other reproduction by a library of copyrighted material in its collections, where the user requests the reproduction for legitimate scholarly or research purposes.

SECTION 109. EFFECT OF TRANSFER OF PARTICULAR COPY OR PHONORECORD

Effect on further disposition of copy or phonorecord

Section 109(a) restates and confirms the principle that, where the copyright owner has transferred ownership of a particular copy or phonorecord of a work, the person to whom the copy or phonorecord is transferred is entitled to dispose of it by sale, rental, or any other means. Under this principle, which has been established by the court decisions and section 27 of the present law, the copyright owner's exclusive right of public distribution would have no effect upon anyone who owns "a particular copy or phonorecord lawfully made under this title" and who wishes to transfer it to someone else or to destroy it.

Thus, for example, the outright sale of an authorized copy of a book frees it from any copyright control over its resale price or other conditions of its future disposition. A library that has acquired ownership of a copy is entitled to lend it under any conditions it chooses to impose. This does not mean that conditions on future disposition of copies or phonorecords, imposed by a contract between their buyer and seller, would be unenforceable between the parties as a breach of contract, but it does mean that they could not be enforced by an action for infringement of copyright. Under section 202 however, the owner of the physical copy or phonorecord cannot reproduce or perform the copyrighted work publicly without the copyright owner's consent.

To come within the scope of section 109(a), a copy or phonorecord must have been "lawfully made under this title," though not necessarily with the copyright owner's authorization. For example, any resale of an illegally "pirated" phonorecord would be an infringement, but the disposition of a phonorecord legally made under the compulsory licensing provisions of section 115 would not.

Effect on display of copy

Subsection (b) of section 109 deals with the scope of the copyright owner's exclusive right to control the public display of a particular "copy" of a work (including the original or prototype copy in which the work was first fixed). Assuming, for example, that a painter has sold the only copy of an original work of art without restrictions, would it be possible for him to restrain the new owner from displaying it publicly in galleries, shop windows, on a projector, or on television?

Section 109(b) adopts the general principle that the lawful owner of a copy of a work should be able to put his copy on public display without the consent of the copyright owner. As in cases arising under section 109(a), this does not mean that contractual restrictions on display between a buyer and seller would be unenforceable as a matter of contract law.

The exclusive right of public display granted by section 106(5) would not apply where the owner of a copy wishes to show it directly to the public, as in a gallery or display case, or indirectly, as through an opaque projector. Where the copy itself is intended for projection, as in the case of a photographic slide, negative, or transparency, the public projection of a single image would be permitted as long as the views are "present at the place where the copy is located."

On the other hand, section 109(b) takes account of the potentialities of the new communications media, notably television, cable and optical transmission devices, and information storage and retrieval devices, for replacing printed copies with visual images. First of all, the public display of an image of a copyrighted work would not be exempted from copyright control if the copy from which the image was derived were outside the presence of the viewers. In other words, the display of a visual image of a copyrighted work would be an infringement if the image were transmitted by any method (by closed or open circuit television, for example, or by a computer system) from one place to members of the public located elsewhere.

Moreover, the exemption would extend only to public displays that are made "either directly or by the projection of no more than one image at a time." Thus, even where the copy and the viewers are located at the same place, the simultaneous projection of multiple images of the work would not be exempted. For example, where each person in a lecture hall is supplied with a separate viewing apparatus, the copyright owner's permission would generally be required in order to project an image of a work on each individual screen at the same time.

The committee's intention is to preserve the traditional privilege of the owner of a copy to display it directly, but to place reasonable restrictions on the ability to display it indirectly in such a way that the copyright owner's market for reproduction and distribution of copies would be affected. Unless it constitutes a fair use under section 107, or unless one of the special provisions of section 110 or 111 is applicable, projection of more than one image at a time, or transmission of an image to the public over television or other communication channels, would be an infringement for the same reasons that reproduction in copies would be. The concept of "the place where the copy is located" is generally intended to refer to a situation in which the viewers are present in the same physical surroundings as the copy, even though they cannot see the copy directly.

Effect of mere possession of copy or phonorecord

Subsection (c) of section 109 qualifies the privileges specified in subsections (a) and (b) by making clear that they do not apply to someone who merely possesses a copy or phonorecord without having acquired ownership of it. Acquisition of an object embodying a copyrighted work by rental, lease, loan, or bailment carries with it no privilege to dispose of the copy under section 109(a) or to display it publicly under section 109(b). To cite a familiar example, a person who has rented a print of a motion picture from the copyright owner would have no right to rent it to someone else without the owner's permission.

Burden of proof in infringement actions

During the course of its deliberations on this section, the Committee's attention was directed to a recent court decision holding that the plaintiff in an infringement action had the burden of establishing that the allegedly infringing copies in the defendant's possession were not lawfully made or acquired under section 27 of the present law. *American International Pictures, Inc. v. Foreman*, 400 F. Supp. 928 (S.D. Alabama 1975). The Committee believes that the court's decision, if followed, would place a virtually impossible burden on copyright owners. The decision is also inconsistent with the established legal principle that the burden of proof should not be placed upon a litigant to establish facts particularly within the knowledge of his adversary. The defendant in such actions clearly has the particular knowledge of how possession of the particular copy was acquired, and should have the burden of providing this evidence to the court. It is the intent of the Committee, therefore, that in an action to determine whether a defendant is entitled to the privilege established by section 109 (a) and (b), the burden of proving whether a particular copy was lawfully made or acquired should rest on the defendant.

SECTION 110. EXEMPTIONS OF CERTAIN PERFORMANCES AND DISPLAYS

Clauses (1) through (4) of section 110 deal with performances and exhibitions that are now generally exempt under the "for profit" limitation or other provisions of the copyright law, and that are specifically exempted from copyright liability under this legislation. Clauses (1) and (2) between them are intended to cover all of the various methods by which performances or displays in the course of systematic instruction take place.

Face-to-face teaching activities

Clause (1) of section 110 is generally intended to set out the conditions under which performances or displays, in the course of instructional activities other than educational broadcasting, are to

be exempted from copyright control. The clause covers all types of copyrighted works, and exempts their performance or display "by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution," where the activities take place "in a classroom or similar place devoted to instruction."

There appears to be no need for a statutory definition of "face-to-face" teaching activities to clarify the scope of the provision. "Face-to-face teaching activities" under clause (1) embrace instructional performances and displays that are not "transmitted." The concept does not require that the teacher and students be able to see each other, although it does require their simultaneous presence in the same general place. Use of the phrase "in the course of face-to-face teaching activities" is intended to exclude broadcasting or other transmissions from an outside location into classrooms, whether radio or television and whether open or closed circuit. However, as long as the instructor and pupils are in the same building or general area, the exemption would extend to the use of devices for amplifying or reproducing sound and for projecting visual images. The "teaching activities" exempted by the clause encompass systematic instruction of a very wide variety of subjects, but they do not include performances or displays, whatever their cultural value or intellectual appeal, that are given for the recreation or entertainment of any part of their audience.

Works affected.—Since there is no limitation on the types of works covered by the exemption, teachers or students would be free to perform or display anything in class as long as the other conditions of the clause are met. They could read aloud from copyrighted text material, act out a drama, play or sing a musical work, perform a motion picture or filmstrip, or display text or pictorial material to the class by means of a projector. However, nothing in this provision is intended to sanction the unauthorized reproduction of copies or phonorecords for the purpose of classroom performance or display, and the clause contains a special exception dealing with performances from unlawfully made copies of motion pictures and other audiovisual works, to be discussed below.

Instructors or pupils.—To come within clause (1), the performance or display must be "by instructors or pupils," thus ruling out performances by actors, singers, or instrumentalists brought in from outside the school to put on a program. However, the term "instructors" would be broad enough to include guest lecturers if their instructional activities remain confined to classroom situations. In general, the term "pupils" refers to the enrolled members of a class.

Nonprofit educational institution.—Clause (1) makes clear that it applies only to the teaching activities "of a nonprofit educational institution," thus excluding from the exemption performances or displays in profit-making institutions such as dance studios and language schools.

Classroom or similar place.—The teaching activities exempted by the clause must take place "in a classroom or similar place devoted to instruction." For example, performances in an auditorium or stadium during a school assembly, graduation ceremony, class play, or sporting event, where the audience is not confined to the members of a particular class, would fall outside the scope of clause (1), although in some cases they might be exempted by clause (4) of section 110. The "similar place" referred to in clause (1) is a place which is "devoted to instruction" in the same way a classroom is; common examples would include a studio, a workshop, a gymnasium, a training field, a library, the stage of an auditorium, or the auditorium itself, if it is actually used as a classroom for systematic instructional activities.

Motion pictures and other audiovisual works.—The final provision of clause (1) deals with the special problem of performances from unlawfully-made copies of motion pictures and other audiovisual works. The exemption is lost where the copy being used for a classroom performance was "not lawfully made under this title" and the person responsible for the performance knew or had reason to suspect as much. This special exception to the exemption would not apply to performances from lawfully-made copies, even if the copies were acquired from someone who had stolen or converted them, or if the performances were in violation of an agreement. However, though the performance would be exempt under section 110(1) in such cases, the copyright owner might have a cause of action against the unauthorized distributor under section 106(3), or against the person responsible for the performance, for breach of contract.

Projection devices.—As long as there is no transmission beyond the place where the copy is located, both section 109(b) and section 110(1) would permit the classroom display of a work by means of any sort of projection device or process.

Instructional broadcasting

Works affected.—The exemption for instructional broadcasting provided by section 110(2) would apply only to "performance of a nondramatic literary or musical work or display of a work." Thus, the copyright owner's permission would be required for the performance on educational television or radio of a dramatic work, of a dramatico-musical work such as an opera or musical comedy, or of a motion picture. Since, as already explained, audiovisual works such as filmstrips are equated with motion pictures, their sequential showing would be regarded as a performance rather than a display and would not be exempt under section 110(2). The clause is not intended to limit in any way the copyright owner's exclusive right to make dramatizations, adaptations, or other derivative works under section 106(2). Thus, for example, a performer could read a nondramatic literary work aloud under section 110(2), but the copyright owner's permission would be required for him to act it out in dramatic form.

Systematic instructional activities.—Under section 110(2) a transmission must meet three specified conditions in order to be exempted from copyright liability. The first of these, as provided by subclause (A), is that the performance or display must be “a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution.” The concept of “systematic instructional activities” is intended as the general equivalent of “curriculums,” but it could be broader in a case such as that of an institution using systematic teaching methods not related to specific course work. A transmission would be a regular part of these activities if it is in accordance with the pattern of teaching established by the governmental body or institution. The use of commercial facilities, such as those of a cable service, to transmit the performance or display, would not affect the exemption as long as the actual performance or display was for nonprofit purposes.

Content of transmission.—Subclause (B) requires that the performance or display be directly related and of material assistance to the teaching content of the transmission.

Intended recipients.—Subclause (C) requires that the transmission is made primarily for:

(i) Reception in classrooms or similar places normally devoted to instruction, or

(ii) Reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction, or

(iii) Reception by officers or employees of governmental bodies as a part of their official duties or employment.

In all three cases, the instructional transmission need only be made “primarily” rather than “solely” to the specified recipients to be exempt. Thus, the transmission could still be exempt even though it is capable of reception by the public at large. Conversely, it would not be regarded as made “primarily” for one of the required groups of recipients if the principal purpose behind the transmission is reception by the public at large, even if it is cast in the form of instruction and is also received in classrooms. Factors to consider in determining the “primary” purpose of a program would include its subject matter, content, and the time of its transmission.

Paragraph (i) of subclause (C) generally covers what are known as “in-school” broadcasts, whether open- or closed-circuit. The reference to “classrooms or similar places” here is intended to have the same meaning as that of the phrase as used in section 110(1). The exemption in paragraph (ii) is intended to exempt transmissions providing systematic instruction to individuals who cannot be reached in classrooms because of “their disabilities or other special circumstances.” Accordingly, the exemption is confined to instructional broad-

casting that is an adjunct to the actual classwork of nonprofit schools or is primarily for people who cannot be brought together in classrooms such as preschool children, displaced workers, illiterates, and shut-ins.

There has been some question as to whether or not the language in this section of the bill is intended to include instructional television college credit courses. These telecourses are aimed at undergraduate and graduate students in earnest pursuit of higher educational degrees who are unable to attend daytime classes because of daytime employment, distance from campus, or some other intervening reason. So long as these broadcasts are aimed at regularly enrolled students and conducted by recognized higher educational institutions, the committee believes that they are clearly within the language of section 110(2)(C)(ii). Like night school and correspondence courses before them, these telecourses are fast becoming a valuable adjunct of the normal college curriculum.

The third exemption in subclause (C) is intended to permit the use of copyrighted material, in accordance with the other conditions of section 110(2), in the course of instructional transmissions for Government personnel who are receiving training “as a part of their official duties or employment.”

Religious services

The exemption in clause (3) of section 110 covers performances of a nondramatic literary or musical work, and also performances “of dramatico-musical works of a religious nature”; in addition, it extends to displays of works of all kinds. The exemption applies where the performance or display is “in the course of services at a place of worship or other religious assembly.” The scope of the clause does not cover the sequential showing of motion pictures and other audiovisual works.

The exemption, which to some extent has its counterpart in sections 1 and 104 of the present law, applies to dramatico-musical works “of a religious nature.” The purpose here is to exempt certain performances of sacred music that might be regarded as “dramatic” in nature, such as oratorios, cantatas, musical settings of the mass, choral services, and the like. The exemption is not intended to cover performances of secular operas, musical plays, motion pictures, and the like, even if they have an underlying religious or philosophical theme and take place “in the course of [religious] services.”

To be exempted under section 110(3) a performance or display must be “in the course of services,” thus excluding activities at a place of worship that are for social, educational, fund raising, or entertainment purposes. Some performances of these kinds could be covered by the exemption in section 110(4), discussed next. Since the performance or display must also occur “at a place of worship or other religious

assembly." the exemption would not extend to religious broadcasts or other transmissions to the public at large, even where the transmissions were sent from the place of worship. On the other hand, as long as services are being conducted before a religious gathering, the exemption would apply if they were conducted in places such as auditoriums, outdoor theaters, and the like.

Certain other nonprofit performances

In addition to the educational and religious exemptions provided by clauses (1) through (3) of section 110, clause (4) contains a general exception to the exclusive right of public performance that would cover some, though not all, of the same ground as the present "for profit" limitation.

Scope of exemption.—The exemption in clause (4) applies to the same general activities and subject matter as those covered by the "for profit" limitation today: public performances of nondramatic literary and musical works. However, the exemption would be limited to public performances given directly in the presence of an audience whether by means of living performers, the playing of phonorecords, or the operation of a receiving apparatus, and would not include a "transmission to the public." Unlike the clauses (1) through (3) and (5) of section 110, but like clauses (6) through (8), clause (4) applies only to performing rights in certain works, and does not affect the exclusive right to display a work in public.

No profit motive.—In addition to the other conditions specified by the clause, the performance must be "without any purpose of direct or indirect commercial advantage." This provision expressly adopts the principle established by the court decisions construing the "for profit" limitation: that public performances given or sponsored in connection with any commercial or profit-making enterprises are subject to the exclusive rights of the copyright owner even though the public is not charged for seeing or hearing the performance.

No payment for performance.—An important condition for this exemption is that the performance be given "without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers." The basic purpose of this requirement is to prevent the free use of copyrighted material under the guise of charity where fees or percentages are paid to performers, promoters, producers, and the like. However, the exemption would not be lost if the performers, directors, or producers of the performance, instead of being paid directly "for the performance," are paid a salary for duties encompassing the performance. Examples are performances by a school orchestra conducted by a music teacher who receives an annual salary, or by a service band whose members and conductors perform as part of their assigned duties and who receive military pay. The committee believes that performances of this type

should be exempt, assuming the other conditions in clause (4) are met, and has not adopted the suggestion that the word "salary" be added to the phrase referring to the "payment of any fee or other compensation."

Admission charge.—Assuming that the performance involves no profit motive and no one responsible for it gets paid a fee, it must still meet one of two alternative conditions to be exempt. As specified in subclauses (A) and (B) of section 110(4), these conditions are: (1) that no direct or indirect admission charge is made, or (2) that the net proceeds are "used exclusively for educational, religious, or charitable purposes and not for private financial gain."

Under the second of these conditions, a performance meeting the other conditions of clause (4) would be exempt even if an admission fee is charged, provided any amounts left "after deducting the reasonable costs of producing the performance" are used solely for bona fide educational, religious, or charitable purposes. In cases arising under this second condition and as provided in subclause (B), where there is an admission charge, the copyright owner is given an opportunity to decide whether and under what conditions the copyrighted work should be performed; otherwise, owners could be compelled to make involuntary donations to the fund-raising activities of causes to which they are opposed. The subclause would thus permit copyright owners to prevent public performances of their works under section 110(4) (B) by serving notice of objection, with the reasons therefor, at least seven days in advance.

Mere reception in public

Unlike the first four clauses of section 110, clause (5) is not to any extent a counterpart of the "for profit" limitation of the present statute. It applies to performances and displays of all types of works, and its purpose is to exempt from copyright liability anyone who merely turns on, in a public place, an ordinary radio or television receiving apparatus of a kind commonly sold to members of the public for private use.

The basic rationale of this clause is that the secondary use of the transmission by turning on an ordinary receiver in public is so remote and minimal that no further liability should be imposed. In the vast majority of these cases no royalties are collected today, and the exemption should be made explicit in the statute. This clause has nothing to do with cable television systems and the exemptions would be denied in any case where the audience is charged directly to see or hear the transmission.

On June 17, 1975, the Supreme Court handed down a decision in *Twentieth Century Music Corp. v. Aiken*, 95 S.Ct. 2040, that raised fundamental questions about the proper interpretation of section 110(5). The defendant, owner and operator of a fast-service food shop

in downtown Pittsburgh, had "a radio with outlets to four speakers in the ceiling," which he apparently turned on and left on throughout the business day. Lacking any performing license, he was sued for copyright infringement by two ASCAP members. He lost in the District Court, won a reversal in the Third Circuit Court of Appeals, and finally prevailed, by a margin of 7-2, in the Supreme Court.

The *Aiken* decision is based squarely on the two Supreme Court decisions dealing with cable television. In *Fortnightly Corp. v. United Artists*, 392 U.S. 390, and again in *Teleprompter Corp. v. CBS*, 415 U.S. 394, the Supreme Court has held that a CATV operator was not "performing" within the meaning of the 1909 statute, when it picked up broadcast signals off the air and retransmitted them to subscribers by cable. The *Aiken* decision extends this interpretation of the scope of the 1909 statute's right of "public performance for profit" to a situation outside the CATV context and, without expressly overruling the decision in *Buck v. Jewell-LaSalle Realty Co.*, 283 U.S. 191 (1931), effectively deprives it of much meaning under the present law. For more than forty years the *Jewell-LaSalle* rule was thought to require a business establishment to obtain copyright licenses before it could legally pick up any broadcasts off the air and retransmit them to its guests and patrons. As reinterpreted by the *Aiken* decision, the rule of *Jewell-LaSalle* applies only if the broadcast being retransmitted was itself unlicensed.

The majority of the Supreme Court in the *Aiken* case based its decision on a narrow construction of the word "perform" in the 1909 statute. This basis for the decision is completely overturned by the present bill and its broad definition of "perform" in section 101. The Committee has adopted the language of section 110(5), with an amendment expressly denying the exemption in situations where "the performance or display is further transmitted beyond the place where the receiving apparatus is located"; in doing so, it accepts the traditional, pre-*Aiken*, interpretation of the *Jewell-LaSalle* decision, under which public communication by means other than a home receiving set, or further transmission of a broadcast to the public, is considered an infringing act.

Under the particular fact situation in the *Aiken* case, assuming a small commercial establishment and the use of a home receiver with four ordinary loudspeakers grouped within a relatively narrow circumference from the set, it is intended that the performances would be exempt under clause (5). However, the Committee considers this fact situation to represent the outer limit of the exemption, and believes that the line should be drawn at that point. Thus, the clause would exempt small commercial establishments whose proprietors merely bring onto their premises standard radio or television equipment and turn it on for their customers' enjoyment, but it would impose liability where the proprietor has a commercial "sound system"

installed or converts a standard home receiving apparatus (by augmenting it with sophisticated or extensive amplification equipment) into the equivalent of a commercial sound system. Factors to consider in particular cases would include the size, physical arrangement, and noise level of the areas within the establishment where the transmissions are made audible or visible, and the extent to which the receiving apparatus is altered or augmented for the purpose of improving the aural or visual quality of the performance for individual members of the public using those areas.

* * * *

Transmission to handicapped audiences

The new clause (8) of subsection 110, which had been added to S. 22 by the Senate Judiciary Committee when it reported the bill on November 20, 1975, and had been adopted by the Senate on February 19, 1976, was substantially amended by the Committee. Under the amendment, the exemption would apply only to performances of "non-dramatic literary works" by means of "a transmission specifically designed for and primarily directed to" one or the other of two defined classes of handicapped persons: (1) "blind or other handicapped persons who are unable to read normal printed material as a result of their handicap" or (2) "deaf or other handicapped persons who are unable to hear the aural signals accompanying a transmission." Moreover, the exemption would be applicable only if the performance is "without any purpose of direct or indirect commercial advantage," and if the transmission takes place through government facilities or through the facilities of a noncommercial educational broadcast station, a radio subcarrier authorization (SCA), or a cable system.

SECTION 117. COMPUTER USES

As the program for general revision of the copyright law has evolved, it has become increasingly apparent that in one major area the problems are not sufficiently developed for a definitive legislative solution. This is the area of computer uses of copyrighted works: the use of a work "in conjunction with automatic systems capable of storing, processing, retrieving, or transferring information." The Commission on New Technological Uses is, among other things, now engaged in making a thorough study of the emerging patterns in this field and it will, on the basis of its findings, recommend definitive copyright provisions to deal with the situation.

Since it would be premature to change existing law on computer uses at present, the purpose of section 117 is to preserve the status quo. It is intended neither to cut off any rights that may now exist, nor to

create new rights that might be denied under the Act of 1909 or under common law principles currently applicable.

The provision deals only with the exclusive rights of a copyright owner with respect to computer uses, that is, the bundle of rights specified for other types of uses in section 106 and qualified in sections 107 through 116 and 118. With respect to the copyright-ability of computer programs, the ownership of copyrights in them, the term of protection, and the formal requirements of the remainder of the bill, the new statute would apply.

Under section 117, an action for infringement of a copyrighted work by means of a computer would necessarily be a federal action brought under the new title 17. The court, in deciding the scope of exclusive rights in the computer area, would first need to determine the applicable law, whether State statutory or common law or the Act of 1909. Having determined what law was applicable, its decision would depend upon its interpretation of what that law was on the point on the day before the effective date of the new statute.

SECTION 118. NONCOMMERCIAL BROADCASTING

The House bill substantially changed the provisions of section 118, retaining a different form of compulsory licensing for the use in public broadcasting of nondramatic musical works and for pictorial, graphic, and sculptural works, but not subjecting the exclusive rights in nondramatic literary works to compulsory licensing. Under the House bill, within thirty days after appointment of the Royalty Commission, the chairman was to initiate proceedings to determine "reasonable terms and rates" under the section for a period running through 1982. Copyright owners and public broadcasting entities that did not reach voluntary agreement were to be by the terms and rates established by the Commission.

In establishing those rates and terms, the Commission was to consider, among other relevant information, proposals put forward to it within specified time limits. The House bill deleted Sec. 113 of the Transitional and Supplementary Provisions of the Act, but provided in section 118(b) (4) that, during the period between the effective date of the Act and publication of the initial rates and terms, the status quo as to liability under the present law would be preserved. Payment of royalties under section 118 were to be handled among the parties without government intervention. The royalty review cycle would begin in 1982 and continue at five-year intervals thereafter. Section 118(d) (3) retained the provision permitting off-the-air taping of public broadcasts by educational institutions, but with amendments clarifying and tightening the provision.

Although nondramatic literary works were not included in the com-

pulsory licensing scheme of section 118, subsection (e) provided an exemption from the antitrust laws with respect to voluntary negotiations aimed at licensing agreements for the public broadcasting of such works. The subsection also required the Register of Copyrights, on January 3, 1980, to report upon the extent to which such voluntary agreements had been achieved, the problems that had arisen, and any recommendations for legislation that might be appropriate.

SECTION 504. DAMAGES AND PROFITS

Clause (2) of section 504(c) provides for exceptional cases in which the maximum award of statutory damages could be raised from \$10,000 to \$50,000, and in which the minimum recovery could be reduced from \$250 to \$100. The basic principle underlying this provision is that the courts should be given discretion to increase statutory damages in cases of willful infringement and to lower the minimum where the infringer is innocent. The language of the clause makes clear that in these situations the burden of proving willfulness rests on the copyright owner and that of proving innocent rests on the infringer, and that the court must make a finding of either willfulness or innocence in order to award the exceptional amounts.

The "innocent infringer" provision of section 504(c) (2) has been the subject of extensive discussion. The exception, which would allow reduction of minimum statutory damages to \$100 where the infringer "was not aware and had no reason to believe that his or her acts constituted an infringement of copyright," is sufficient to protect against unwarranted liability in cases of occasional or isolated innocent infringement, and it offers adequate insulation to users, such as broadcasters and newspaper publishers, who are particularly vulnerable to this type of infringement suit. On the other hand, by establishing a realistic floor for liability, the provision preserves its intended deterrent effect; and it would not allow an infringer to escape simply because the plaintiff failed to disprove the defendant's claim of innocence.

In addition to the general "innocent infringer" provision clause (2) deals with the special situation of teachers, librarians, archivists, and public broadcasters, and the nonprofit institutions of which they are a part. Section 504(c) (2) provides that, where such a person or institution infringes copyrighted material in the honest belief that what they were doing constituted fair use, the court is precluded from awarding any statutory damages. It is intended that, in cases involving this provision, the burden of proof with respect to the defendant's good faith should rest on the plaintiff.

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M*I*N*U*T*E*S

ADVISORY COUNCIL ON LIBRARIES

Town House Motor Inn, Embassy "B"
October 19 & 20

October 19, 1976 - 1:00 p.m.

Members Present: Ahlness, Barnard, Hinrichs, Kelly, Klimpel, Knight, Pelton, Waddington

Members Absent: Becker, Borchert, Knorr, Olson, Greenleaf, Bliven

Others Present: Butcher, Moug, Rudser, Snortland, Wald, Wolfert, Warner

Snortland: "Libraries are the Heart of Schools...."

Howard Snortland, candidate for Director of the Department of Public Instruction, spent time with the Council on his philosophy about libraries as well as the priorities of the Department of Public Instruction. Feeling that libraries are the heart of schools, but that the heartbeat is weak, Snortland laid the problem of improving that situation on localities. Direction for priorities is dictated by localities as long as school boards are elected and superintendents selected by them as representatives of the community. A stronger stand on priorities by the department is not likely because of that process.

Staffing to pursue and bolster local priorities from a state level is very difficult to come by. It appears unlikely that libraries will receive more than what they have when there is, for example, no consultant for physical education.

Public-school combination libraries are not objectionable, Snortland felt, if the public sector does in fact share in the effort. He feels too often the school would end up picking up the total tab and responsibility.

To upgrade standards, administrators must be willing to accept and cooperate in the application thereof. Administrators reflect their areas of interest and they would need educating. He was supportive of a librarian-administrator type workshop.

North Dakota State Library
Bismarck, ND 58501

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The State Library services to schools was commended. If services and materials are locally available, then the State Library does not need to service an area. The good of the kids is the important factor and that in turn is good for schools. If the State Library had a consultant for public school librarians, he would be supportive.

(For those who may not know: Snortland was elected. Joe Crawford was unable to attend as scheduled since he had car trouble. He lost the election.)

Wolfert Barks - Legislative Council Budget Committee 'C' Doesn't Exactly Bite

On October 6, Richard Wolfert appeared before Budget Committee 'C' to respond to the Fridley report. The document he prepared is available to members. Most points made by Fridley created no problem in application or acceptance. However, on regionalization, although a Bill Draft for such was attached as directed, Wolfert felt that other events needed to occur before a regional library system is implemented. He provided his rationale for recommending non-implementation with an explanation of FULLER. (See report) To accomplish the goals of this program and in keeping with Fridley's recommendation a Division of Library Planning, Development and Coordination within the State Library was proposed and a Bill Draft attached.

It appears that the Committee only recommended the move to the Liberty Memorial Building. Feeling from the Advisory Council was to look more closely at the Bill Draft dealing with a Planning and Development area of the State Library and perhaps pursue it as a proposal to the whole legislature.

Dale Moug saith: "Get Your Act Together!"

Dale Moug, Acting Director of the Department of Accounts and Purchases, Budget Analyst par excellence, and generally shrewd observer of the North Dakota Legislature, gently but firmly told the Council that libraries aren't very high on anybody's priority list. To accomplish anything in the way of expanded staffing, services or materials a number of unknowns must be defined and enumerated. Goals and objectives and definition of services with support and feedback from clients is tantamount for success. The executive office is where support can be found if the program is well documented and supported.

The supplanting of federal funds by state funds for State Library programs is unlikely to say the least. The federal mandate has not been followed because the state has not been effectively told what is needed. A personal philosophy expressed based on the transient nature of federal funding and the hazard of awakening pretensions in mankind which cannot be achieved, is that where funds are spent is where they should be raised. This extends to state revenue sharing in that, "Where you start sharing the expense, you start sharing the debt, also."

Rudser Ruminates - Council Reacts...hopefully

Ron Rudser's preliminary report on combination school-public libraries was presented for consideration to the Council. More information on the user survey was requested. Additional comments from members are necessary for completion of the study.

October 20, 1976 - 9:00 a.m.

Members Present: Ahlness, Barnard, Kelly, Knight, Pelton, Waddington

Members Absent: Hinrichs, Klimpel, Becker, Borchert, Knorr, Olson, Greenleaf, Bliven

Others Present: Buresh, Butcher, Wald, Wolfert

The minutes of the last meeting were corrected to indicate that Ed Warner was among others present at the meeting.

LSCA Screening Committee Hangs Tough

A report and assignments from the LSCA Application Screening Committee were provided. Members of that committee are Harold Kelly, Ron Klimpel, Peg Ahlness, Sister Gordon Barnard, Ray Pelton, Leonard Knorr, Dina Butcher and Richard Wolfert.

The committee suggested that Grant-in-Aid applications not be considered for funding. It was suggested that a letter be drafted to that effect for applicants. A more thorough evaluation needs to be made before grants-in-aid are reinstated.

The screening committee determined that by grouping applications topically the Council could more easily compare and constructively criticize them. Based on this, a committee for studying the senior citizen requests consists of: Harold Kelly, Loretta Knight, Dick Waddington, Richard Wolfert, and Dina Butcher.

The hope is that a cooperative nature to acquisitions and sharing of resources can be promoted with these funding requests.

Planning proposals have been referred to a committee consisting of: Ron Klimpel, Leonard Knorr, Lois Hinrichs, Dina Butcher, and Richard Wolfert. The aim of this group would be to advise applicants of improvements needed in their applications and to have them appear to discuss their proposals with the committee and Council.

The migrant proposal from Grafton and the Indian proposal from Williston will be pursued by staff and with Sister Gordon's help in the area of existing resources and plans for Indians. An objective expressed and hoped for from an Indian collection development is that it may be a coordinated and orderly collection development for use and application beyond Williston.

Senior Citizens: Consider Closely - If You Are Lucky You May Be One Someday!

Loretta Knight provided preliminary insights to her report. Her involvement with multi-levels of service and funding to senior citizen programs and projects provides an invaluable resource. Getting a handle on all the agencies and organizations providing services and funds for senior citizens is in itself a worthy project. A recommendation to the effect of coordinating these overlapping and/or duplicating functions is easily made, but difficult to implement.

A recommendation which will be forthcoming in the report directly pertinent and implemental by the State Library is an in-servicetype workshop for gerontological training for librarians. This could be a part of a workshop format. In agreement with the LSCA Screening Committee contention, Loretta recommends access to and coordination of materials which have been provided to senior citizens. Continuing communications with the Community Education Program through the Department of Public Instruction is also most important.

To Recompose or Decompose - That is the Question

Recommendations for a continuing Advisory Council role were requested by the executive secretary, Dina. The two-year term is over as of January. Suggestions have been made to: 1) include more lay persons; 2) include an Indian; 3) go committee structure; 4) have bylaws. What each member feels is genuinely needed for an honest assessment of where we go now. A discussion session will be scheduled for the next meeting.

Bill Book Bookmark Touted by Dina

A factual bookmark was distributed to all candidates for state office by NDLA. Dina provided autographed copies for ACOL members.

ADVISORY COUNCIL ON LIBRARIES

TOWN HOUSE MOTOR INN, BISMARCK

November 18 & 19, 1976

- MINUTES -

Thursday, November 18

Members Present: Bliven, Borchert, Barnard, Greenleaf, Hinrichs, Klimpel
Knight, Knorr

Members Absent: Ahlness, Becker, Olson, Pelton, Waddington

Others Present: Butcher, Warner, Wald, Wolfert

SISTER GORDON PRESIDING

Sister Gordon Barnard, co-chairperson, called the meeting to order at 1:00 p.m. November 18 in the Regency Room of the Town House Motel.

The minutes of the October 19-20 meeting were approved.

F U L L E R AND FRIDLEY TO COMMITTEE

Harold Kelly recommended further consideration of Wolfert's response to Fridley's Report. Future direction for the ACOL may be determined from the FULLER concept developed by Wolfert as an alternative to the regional concept. The discussion was tabled until a committee considers the reports and provides recommendations to the ACOL for inclusion in the final report to the Governor. Greenleaf, Knight, Bliven, and Borchert were appointed to that committee.

GRANTSMANSHIP SKILLS NEEDED

Kelly proposed that the next Council consider sending an ACOL member or staff member to a grantsmanship seminar. This person could then assist the Council as well as run workshops with the expertise learned.

EX-SEC.-CHEERLEADER-NURSE REPORT

Besides providing the Council with Minutes, the Executive Secretary has attended Legislative Council sessions; traveled to several libraries which have applied for LSCA grants; and generally dispensed "band-aids and sugar pills" for library liason and visibility with all stratas of North Dakota government.

Friday, November 19

Members Present: Barnard, Bliven, Borchert, Greenleaf, Kelly, Klimpel, Knight, Pelton, Knorr

Members Absent: Ahlness, Becker, Hinrichs, Olson, Waddington

Others Present: Butcher, Warner, Wald, Wolfert

TEETH FOR ACOL REPORT TO GOVERNOR

The report by the committee considering the Fridley Report and Wolfert's response was presented and discussed. The following recommendations will be included in the final report to the Governor as moved by Klimpel and seconded by Kelly, with unanimous Council approval:

Recommendations:

WHEREAS the Advisory Council on Libraries has met the past two years and has had an opportunity to review in detail the needs of the state in regard to public, school, institutional, academic and special libraries and the services they provide to all persons, the Council makes the following recommendations:

- I. That a state plan for providing comprehensive library services to people of North Dakota be formulated;
- II. That such a state plan shall include objectives to more fully utilize the resources of all libraries in the state to better serve the total population of North Dakota;
- III. That the state plan include a cooperative network for the delivery of services, and will:
 - (A) Consolidate existing services;
 - (B) Support the maintenance and improvement of existing library services;
 - (C) Ascertain budget needs and sources of revenue to implement the plan.
- IV. That the State Library coordinate and implement the plan as outlined by the State Library Commission in its recommendations to Budget Committee "C" of the North Dakota Legislative Council in response to the Fridley report;
- V. That firm recommendations and implementation for such a delivery system be made to the Governor for the 1979-81 legislative session;
- VI. With the approval of the Governor, the State Advisory Council on Libraries be continued to review and evaluate the progress of such a plan.

The next Council should be encouraged to refer to and build upon the Fridley Report and Wolfert's response for continuing planning.

LSCA COMMITTEE "COMES ON LIKE GANGBUSTERS"

General recommendations for a direction for LSCA funding were outlined. Grants-in-aid applications were recommended to be deferred in order to determine

whether monies are available and to assess whether this type of aid is the proper direction for library service improvement. The Committee believes that sufficient staff is required for proper application review and evaluation process. The LSCA Committee has been a beginning in this direction, but staff is essential. A cost analysis of this Committee task is recommended to document the need for staff positions.

LSCA grant recommendations were presented and are under consideration by the State Library. Strong emphasis was placed upon the need for an evaluation of what has been accomplished with LSCA funds in the past before rushing boldly into new areas or to continue in the present direction.

Ray Pelton moved acceptance of the LSCA Committee report and Ron Klimpel seconded it. Carried.

ONE CPA FOR ALL LSCA GRANTEES

Don Wald recommended that one CPA firm be contracted with to audit all LSCA library programs. This would enable information gathering from an objective source. Trustees would be protected in the area of accountability. Also, a more complete picture of library activity would be available.

INDIAN COLLECTION COORDINATION

Ron Klimpel reported the rationale for deleting the Williston application for building an Indian collection. An alternative for statewide development to be cooperatively accomplished through Indian Affairs Commission or some other state level organization was presented. A person or organization would be funded to research a) what is available; b) assess needs; c) provide a bibliography; d) determine the feasibility of a network.

Having the Indian Affairs Commission, for example, support the study will provide the cooperation necessary by the Indian community. Ray Pelton moved and Leonard Knorr seconded this proposal. Carried.

ACCOLADES AND PROJECTIONS

The LSCA Committee was commended for its efforts in giving statewide direction to LSCA programs. Wolfert commented that the realistic approach to problem solving is to work within the means that exist in the state. If federal dollars don't come, the pinch won't be so difficult to adjust to.

The projection for the next Council appears to be similar in composition of lay people to professionals. Recommendations for new members are requested. The Council recommended continuation of the Executive Secretary position of Dina Butcher. A professional consultant to work with the Council is also a must. Some consultant services may be contracted.

The meeting was adjourned at 11:30.

GOVERNOR'S ADVISORY COUNCIL ON LIBRARIES

Minutes of December 20, 1976 Meeting
State Library Commission, Bismarck

Members Present: Ahlness, Barnard, Borchert, Klimpel, Knight, Knorr

Members Absent: Becker, Bliven, Hinrichs, Greenleaf, Kelly, Olson,
Pelton, Waddington

Others Present: Butcher, Warner, Wolfert

Sister Gordon Barnard called the meeting to order at 1:15 p.m. The minutes of the last meeting were corrected to show Leonard Knorr was present at the November 19 meeting.

BAD NEWS - GOOD NEWS: EXECUTIVE BUDGET RESULTS

The State Library budget was cut 26%, but two staff positions funded by federal funds were added. The staff positions consisted of one person to provide technical assistance to public libraries and one person to work with institutions and other special groups. Wolfert has prepared the budget results for inclusion in a Flickertale Newsletter.

FRAMEWORK UPON WHICH TO HANG THE GOVERNOR'S REPORT: Ed Warner

The direction the report to the Governor will take was discussed. Based upon the recommendations from the last meeting, a framework for the new Council will be achieved as well as providing a basis for the report. Council members will receive reports for comment in mid-January.

LSCA APPLICATION STATUS

Wolfert reported that Dickinson Public Library's planning grant has been approved and work begun. The grant dealing with a library curriculum for Adult Education has been funded with a limitation on it's scope.

Stutsman County has been notified that a CPA will be involved in projection of the cost of servicing Barnes County. They have also agreed to consult with Barnes County commissioners in the planning process.

A time extension for expending FY 1976 LSCA funds has been given until September 1977 and for FY 1977 funds until September 1978.

EVALUATE NOW - GIVE LATER? GIVE NOW - EVALUATE LATER?

Wolfert suggested several areas where LSCA funds have been used which should be evaluated in determining future direction of funding. The Senior Citizens Programs, Migrants, and Wide Area Service were mentioned as areas which could be looked into by perhaps outside consultants.

Ron Klimpel reaffirmed backing the evaluation concept of major programs with emphasis on the user as proposed by the LSCA Committee.

Chuck Borchert expressed concern about deferring applications until evaluation is made. Leonard Knorr felt local effort must be recognized. In areas where possible, grants should be made and the reports on use of LSCA money must be insisted upon for evaluation. When a State Plan is determined by the ACOL, LSCA applications would be funded according to its objectives and also evaluated accordingly.

RAP/WRAP-UP WITH VERNON E. PALMOUR ON ADVISORY COUNCIL VIEWPOINT

Gene Palmour has been retained by the State Board of Post-Secondary Education to access academic library needs. The ACOL members provided background information about the total library picture with which they have concerned themselves for the past two years.

THIS WAS THE FINAL MEETING OF THE COUNCIL.

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March 1, 1977 - vol 9, no 3
North Dakota State Library
Bismarck, ND 58501

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NORTH DAKOTA

FLICKERTALE

Newsletter

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A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 3

March 1, 1977

* * * LIBRARY ADMINISTRATION SEMINARS * * *

Two administrative development programs for library administrators will be offered at the University of South Dakota, Vermillion, South Dakota, by the School of Business. The Library Management Seminar from May 16-18 will cover in depth the basic fundamentals of administration of a library and is designed to assist administrators in improving their managerial effectiveness. The Leadership and Budget Seminar, May 18-20, will allow participants the opportunity to examine in depth the development and use of budgets and the various leadership styles useful to them. Concentration on fundamentals in both programs should make the seminars valuable to all kinds of library administrators - public, academic, special, etc. Fee: \$125 for one seminar, \$225 for both; it includes instructional costs, reading materials, room and board, and transportation to and from airlines. Contact: Dr. C. N. Kaufman, School of Business, Vermillion, S.D. 57609 (605)-677-5232.

* * * NEW STATE LIBRARY PUBLICATIONS * * *

The State Library has published the following items since the December 15, 1976 issue of Flickertale Newsletter:

- GAMES: A Catalog of Books Available on Loan from the North Dakota State Library, November, 1976. 25p.
- NORTH DAKOTA LIBRARY NOTES, Volume 7, No. 6: North Dakota Public Library Statistics, July 1974 - June 1975. June 1976. 37p.
- PERIODICALS RECEIVED BY NORTH DAKOTA STATE DEPARTMENTS IN THE BISMARCK-MANDAN AREA, 1977. January 1977. 71p.
- NORTH DAKOTA ACADEMIC LIBRARY STATISTICS, July 1975 - June 1976. January 1977. 1 volume.
- THE CREW MANUAL; A Unified System of Weeding, Inventory, and Collection-Building for Small and Medium-Sized Public Libraries. January 1977. 25p.
- TAPE CASSETTES AVAILABLE ON LOAN FROM THE NORTH DAKOTA STATE LIBRARY. October 1976. 2 volumes. (206p., 481p.)
- THE STRUCTURE OF THE STATE; A Compendium of North Dakota State Agencies, Boards, Commissions, and Institutions. January 1977. 126p.
- RULES AND REGULATIONS GOVERNING THE RESOURCES AND SERVICES OF THE STATE LIBRARY. January 1977. 12p.
- CORRESPONDENCE STUDY; A List of Courses Available at North Dakota Colleges and Universities. July 1976. 29p.

North Dakota State Library
Bismarck, ND 58505

IGMM FILMS: A Catalog of Films Available on Loan from Governmental Agencies and Private Organizations in the Bismarck-Mandan Area. January 1977. 112, 75p.

SPORTS: A Catalog of Books Available on Loan from the North Dakota State Library. January 1977. 87p.

* * * FREDA HATTEN RETIRES * * *

Freda Hatten has confidence.

In 1971 the library board hired Mrs. Hatten as librarian, signed a three-year lease on a building at 404 Sheyenne, and the West Fargo Library was in business. At the time Freda told them by the end of the three-year period they would be cramped for space.

"They just gave me a polite little smile," she laughingly recalls, but it happened. I think I just anticipated more than they did."

When the library first opened, they were stocked with a gift of 3,600 books from the State Library in Bismarck. At the present time the new library holds 12,356 books, plus 2,000 paperbacks, several hundred bound volumes, 240 records and 67 toys in the toy library.

Mrs. Hatten is very pleased about the growth of the toy library. "The project was begun last fall with a gift of a few toys from the Jaycettes. This was added to by personal gifts, and the American Legion donated some toys. These toys have been checked out a total of 242 times since the program began, giving some indication to the success of the project."

A former teacher, Mrs. Hatten was head of the State Library in Bismarck for three years and spent five years as field consultant for them before joining the library at NDSU in 1968. She was there for three years until she reached retirement age. "I wasn't ready to retire yet so I came out here and started working with the people who were instrumental in getting a library going for the people in West Fargo," she said.

A grant was received from the State Library, the Bookmobile full of books was delivered, and the West Fargo Library was on its way.

"What strikes me most about Freda," commented Elizabeth Maxwell, former president of the library board, "is her willingness to do almost anything to make sure we had a good library. She could have retired, but she was willing to donate her time, knowledge and skills to see that the people in West Fargo had a good library. When we moved into the first library she came out evenings and cataloged books herself so they would be on the shelves for the opening day. She is a remarkable woman."

When it became evident that the space they occupied wasn't going to be adequate for much longer, the library board contacted the firm of Mutchler, Twichell and Lynch and asked that plans be submitted for a new library.

With all of her experience, Freda worked right along with the architect making suggestions as to what she thought should be included in the building.

"We wanted a building that could be supervised by one person, if necessary, as we have a small working force," Freda said.

In February, 1975, the move was made to the new library. "School children helped," Freda recalls. "They would pick up a stack of books and a card with a number on it at the old library, climb on a school bus, and deliver the books to the new building where we would place them according to the number printed on the card. It worked very well, and we had the job done in no time."



Looking out the windows of the library now, Freda can't help but remember how it was during that bleak February period. "The Middle School was across the street, but there were absolutely no homes or buildings on our side of the road. We just sat here in the middle of a snow-covered field, all by ourselves," she said.

Jon Arntson, West Fargo attorney, was president of the library board during the construction and finishing of the new library.

During her years of library work Freda has come to know people and books very well. Different types of people like different types of books, and are usually very particular about what they read. "A lot of people keep track of the best sellers, and will read them all," she commented, "and books which have been popular movies or TV shows are very much in demand. Recent examples of these would be "Jaws" and "Rich Man, Poor Man."

Sometimes there will be waiting lists for the more popular books, but this doesn't happen too often as the library often has more than one copy available.

Freda said that the library still receives books as gifts. "Sometimes we will come in the morning and there will be a box of books on the doorstep with a note to use them if we can," she said. The library also receives books from people who are moving, or who just have too many books. "This morning we received some books about horses from a family who have grown children and wanted others to enjoy the books as much as their family did," she added.

"Reading is so important," Freda said. "If parents would only realize this and take the time to make sure their children are reading. Setting a good example by reading worthwhile material themselves is also vital to the growth of a child's reading pattern."

Thanks to Freda Hatten, the children in West Fargo have a good place to go for reading and reading materials.

By Mary Schultz
WEST FARGO PIONEER
8-18-76

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NEW BOOK !

BREEDING BIRDS OF NORTH DAKOTA, by Robert E. Stewart, Sr.

It is not often that a book which is purely and simply a total North Dakota product becomes available in a subject as interesting and appreciated by a spectrum of people from the very young to the elderly and from all walks of life. This book, while containing a wealth of ecological and environmental information about birds found in North Dakota, also contains a set of thirteen paintings by Weber done for just this publication. There are also many black and white photos of excellent quality, some outstanding color habitat photos where certain birds and their activities take place, along with some of Tory Peterson's favorite prints. In all, the book is truly an outstanding volume in nearly every way. A second and perhaps equally valid reason for having the book in every library is the fact that birds and their habitats are tremendously valuable natural resources in our state and everywhere in the world. As one major component of this total picture, the birds and their requirements must be understood in context of the whole grassland, cropland and woodland ecosystems along with all other animals, wild or domesticated. Not many states can claim to have a comprehensive type of work of the state's birds as we now have. In other words, once

all of us recognize the value of birds, the habitat they need, including water, we will have an infinitely better founded basis for protecting and demanding concern about much of our rapidly dwindling prime habitat in North Dakota and surrounding region. A final reason may simply be stated as one of acquiring a volume which will definitely become a collector's item. There presently are no plans to reprint this book when the supply has run out. -Dr. Harold Goetz, Director, Center for Environmental Studies, Tri-College University

Book ordering information:

Stewart, Robert E.
Breeding Birds of North Dakota. 295p., maps, color illustrations, bibliography, index. \$18.50 plus 55¢ postage.

ORDER FROM: Tri-College Center for Environmental Studies
302 Stevens Hall, Service Drive
North Dakota State University
Fargo, North Dakota 58102

* * * * *

New Library Director Hired

By SANDY PARASKEVA

The Minot Public Library board has hired a new director, Jerry Kaup of Holdrege, Neb. He is scheduled to begin work March 1.

Duane Dokken, a member of the library board, said Kaup was in Minot in early November for an interview. At that time three other applicants were also flown in for interviews.

Then at the Nov. 11 board meeting, all members — Dina Butcher, Mrs. William Utke, Jay Monicken, Dokken, and president Thomas Hoffman — decided to offer Kaup a contract, having picked him as the number one choice.

Monicken, Hoffman and Dokken then flew to Hastings, Neb., on Dec. 16, and rented a car to drive to Holdrege to interview Kaup a second time.

At that time, a verbal contract was offered, Dokken said, though not all details were worked out. The board members returned to Minot Dec. 17.

On Dec. 27 a written contract was mailed to Kaup, which he subsequently accepted.

Hoffman was out of town today, but Dokken said Kaup's letter of acceptance had arrived at the library some time ago, but Hoffman apparently hasn't seen it yet.

"We wanted to talk with Kaup a second time," Dokken said, "because he looks so outstanding on paper, we just couldn't believe it, and he is only 29."

Kaup's contract is for \$18,500 per year, Dokken said.

Kaup has been with the Holdrege Public Library for three years. Dokken said Kaup has "a lot of imagination and go for new programs."

Asst. City Auditor Dennis Peterson said the board members spent \$404 on round trip air fare to Hastings, plus a \$150 advance for hotel and expenses. The four applicants flown into Minot for interviews were reimbursed at half cost for air fare, \$364.

Bills for dinner with the board members and the applicants at the Riverside Lodge in three or four different meetings, were \$217. Total cost of the job search was \$1,135.

- CORRECTION -

In the December 1, 1976 issue of Flickertale Newsletter, on page 3 the article "North Dakota State Hospital Has Two Well-Used Libraries," the author credit should be to Mrs. Laurie Reule, librarian of the Health Science Library and Mrs. Lorraine Domek, librarian of the Patient's Library.

Most of the shadows of this life are caused by standing in one's own sunshine.

Ralph Waldo Emerson

- STATEWIDE MILL LEVY FOR LIBRARIES DEFEATED IN MONTANA -

Referendum 70, which would have provided for a one mill statewide property tax for the support of public libraries in federations, was on the November 2, 1976, ballot. The 1975 Montana Legislative Assembly was asked to provide one mill from the general fund for the support of public libraries in federations. Rather than allocate one mill from the general fund, the Legislature decided to put the issue on the ballot at the November election in the form of a referendum. Voters defeated the measure by a margin of 2 to 1.

* * * * *

New Bookmobile Arrives . . .



NEW BOOKMOBILE - Charles Jennings, the Bookmobile driver for the South Central Area Library, flew to Hillsdale, Mich. on Monday, December 27 and drove a new Bookmobile to Edgeley. The new mobile library is a sixteen footer, made by Game Time with a 1977 Chevrolet chassis.

The South Central Area Library Board has saved money each year for the past ten years, placing the money in a Bookmobile reserve to pay for a new vehicle when it was needed. The old Bookmobile was purchased in November of 1966 and is ten years old. The South Central Area Library has enough money to pay for the new Bookmobile.

The new Bookmobile is painted blue with red

carpet. It has birch module shelves, electric heat and the body is all aluminum construction.

Visit your new Bookmobile when it is at your stop and bring the entire family. January and February are good months to stay in where it is warm and read stated Mrs. Ruth Evert, Librarian for the South Central Area Library.

The Bookmobile will be at the Gackle Elementary School on Monday, January 17 and at the High School on Monday, January 24.

Pictured above with the new Bookmobile at its headquarters in Edgeley are (l to r) Ruth Evert, Librarian; Doraine Podoll, Bookmobile Librarian and Charles Jennings, Bookmobile driver.

(Edgeley Mail Photo)

"DAKOTA BOOKS"

- "The Atlas of North Dakota." 1976. 1 copy/\$7.95 plus 50¢ shipping; 2 copies or more/\$6.95 ea., no shipping charges. North Dakota Studies, Inc., P.O. Box 612, Fargo, ND 58102.
- Beard, Donald B. "Dakota Love story." 1976. *Former North Dakotan's first novel, set in a small North Dakota town.* New York, Ashley Books. \$7.95.
- "City of Grafton...history of the city and county...." 1976. *Reprint of the original 1900 edition. Contains history and pioneer sketches.* Carnegie Bookmobile Library, Grafton, ND 58237. \$5.00
- Conrad, Charles and Joyce. "50 Years: North Dakota Farmers Union." 1976. \$11.95. North Dakota Farmers Union, 1415 12th Ave., S.E., Jamestown, ND 58401.
- Drache, Hiram M. "Beyond the furrow; some keys to successful farming in the twentieth century." 1976. \$9.95. *Discussion of the changes which have transformed farming since 1850.* Interstate Printers.
- Fargo Genealogy Society. "Cemetary records." 1974- \$5.00/vol.
 Vol. 1 & 2 Cass County.
 Vol. 3 Griggs County and Steele County.
 Vol. 4 Barnes County.
 Vol. 5 Traill County.
 Vol. 6 Grand Forks County.
 Vol. 7 Ramsey County.
 Vol. 8 Benson County.
 Vol. 9 Richland County (2 parts)
 Vol. 10 Foster County.
 Vol. 11 Eddy County.
 Vol. 12 Nelson County.
Valuable genealogical research aid. Other volumes to be issued as they are completed. Fargo Genealogy Society, ATTN: Shirley Simmons, 1105 South University Drive, Fargo, ND 58102.
- Hayter, Earl W. "The troubled farmer: rural adjustment to Industrialism, 1850-1900." 1976. \$5.00 pap. *Account of a former North Dakotan's early experiences in the Bartlett and Lokota areas.* Northern Illinois University Press.
- Lind, Elizabeth Sandelin. "Thoughts and sentiments." 1976. \$2.75. *Poetry collection by a native North Dakotan.* Elizabeth S. Lind, Wilton, ND 58579.
- Peterman, Ruth. "Held for ransom." New ed. 1975. \$1.75 pap. *Story of the kidnapping of Eunice Kronholm of St. Paul in 1974 by a former North Dakotan from Emmons County.* Tyndale Press.
- Quale, Warner R. "In the path of the Bullwheel." 1976. \$4.00. *Pioneer life of the Thomas Quale family of Elm Tree Township, Charlson, North Dakota.* Warner R. Quale, 416 West Boulevard, Bismarck, ND 58501.

Robinson, John W. "Recollections." 1975. \$3.50 pap. *Autobiography of a pioneer North Dakotan living in Cole Harbor.* Robinson Drug, Garrison, ND 58540.

Waldron, Corbin A. "The Adventures of Pedro, a polar bear." 1976. \$5.95. *First children's story by North Dakota's poet laureate.* Lowe and Larson Printing, 129 5th Ave., N.W., Minot, ND 58701. "Footprints in America's fields." 1975. \$4.95. *Collection of poetry.* Dorrance.

Wallace, Irving (Speed). "Star dust to prairie dust." 1976. \$8.95. *Life story of Harriet T. Beckert, rancher from the Killdeer area.* Brooklyn, Theo. Gaus' Sons.

* * * * *

Jeanne Cobb, Librarian 15 Years, Is Retiring

The president of the board of trustees of Jamestown Public (Alfred Dickey) Library, Mrs. Gerald (Peggy) Jukkala, announced today that Mrs. Elmer M. (Jeanne) Cobb is retiring as librarian.

Mrs. Cobb has directed activities and personnel at the library since 1964. She had been children's librarian and assistant librarian since 1962.

"This is a sad occasion for the other trustees and for me," Mrs. Jukkala said. "Jeanne has been and still is a positive force for wide progress in making informational services easily and pleasantly available to the thousands of children, youth and adults who use the Jamestown Library month in and month out.

"Mrs. Cobb wanted her resignation to be effective on the 1st of February. However, she has consented to stay on for another month or so to aid us in employing and initiating her replacement," Mrs. Jukkala added. "It will not be an easy task to find a librarian for our facility who has the warmth and dedication that Jeanne Cobb has provided at this library for so many years."

Mrs. Cobb has no special plans in retirement. "My husband has been retired for some time and he wants me at home. I want to be there, too," she said. "It has been a very

difficult decision for me — to leave the library — but I think now is the time to do it. I know I'll miss seeing the nice people that come in and out of this place."

Mrs. Cobb, a native of Aberdeen, S.D., is a graduate of Northern State College there, and attended George Washington University in Washington, D.C. She also attended the University of North Dakota at Grand Forks, obtained a degree from the University of Minnesota, did continuing education work at the University of Utah in Salt Lake City, and at Jamestown College.

She taught school in South Dakota for 11 years; was a code clerk at in the U.S. Army Signal Corps for two years.

Her memberships include the N.D. Library Association for 16 years; Sigma Delta Epsilon, a national science fraternity; the Episcopal Church; the PEO; the Portfolio Club; and the Cultural Interests group of the American Association of University Women.

Lately she has been involved in the Bicentennial Commission and the N.D. Heritage Fund in Jamestown. She has done a regular column on books for the Jamestown Sun, and has aired a weekly library report on Radio KEYJ.

Jeanne has been published in the "Pasque Petals," a poetry magazine, and in South Dakota education journals.

The Cobbs have a daughter, Mrs. Harold Martin, in this city. Before coming to Jamestown they resided in New Hampshire seven years. She is listed in Who's Who of American Women (1974-1975), and Who's Who in the Midwest (1976-1977).

Circulation at the Jamestown Public Library (the total of borrowings and enquiries worked) has grown from 104,000 per year when Mrs. Cobb first came to the facility, to as high 132,000 in 1974. Since that peak, circulation has dropped somewhat to under 129,000 in 1976. Twenty new services have been added in those years, including listening stations, cassettes and records, micro-film reader-printer, art gallery, interlibrary loan by teletype, shut-in delivery and pick-up service, and film strips. An addition to the building has been made and a meeting room created.

The Jamestown Public Library — also called the Alfred Dickey Library because of an originating endowment — is funded by City of Jamestown mill levy. Supplemental support comes from donations and other endowments. It is overseen by

trustees who include, in addition to Mrs. Jukkala: Robert W. Solien, vice president; Mrs. A. Reese (Margaret) Hawkins, secretary; Sidney E. Holaday; and Jack Evans.

Mrs. Eleanor Glenney is children's librarian; Mrs. Elsie Weber is circulation librarian; Mrs. Mary Simmons is interlibrary loan librarian; Mrs. Norma Richardson is cataloger; Mrs. Lorna Johnson and Mrs. Mary Himmerich are assistant children's librarians; and Paul Schelske is custodian.

Mr. and Mrs. Ray Freadhoff handle delivering and picking up of books for shut-ins.

Any volume in a public library (or participating college or university library) in North Dakota may be ordered by title through Jamestown Library's interlibrary network. There is no charge for this service. There is no fee for a library card, issued to any Jamestown or Stutsman County resident.

Other libraries in Jamestown include those at the Jamestown College (Raugust Library); the N.D. State Hospital, the senior and junior high schools, the Stutsman County Library, the Wild Life Research Center, the N.D. Farmers Union and the Jamestown Crippled Children's School.

"IT'S BEEN DOCUMENTED"

by
Marilyn Guttromson
Government Services

Documents out, documents in;
This month's pickings was mighty thin.
Documents in, documents out;
Be small in number but big in clout.

Recommended this time around are:

North Dakota Facts Revealing the Values of Mid-continent Living.

Business and Industrial Development Department
523 East Bismarck Avenue, Bismarck, ND 58505 ... 224-2810

For sure you should have at least one copy of this factual digest of our history, economy, environment, politics, problems, and potential.

Go to Work for Public Television in Western North Dakota.

North Dakota Educational Broadcasting Council
Department of Public Instruction, State Capitol, Bismarck, ND 58505 ... 224-2289

Considering public television once again is an issue of legislative debate, you'd be wise to order this resource document. It's a leaflet describing and supporting the concept of public television for all of North Dakota, not just the more heavily populated eastern half of the state.

Book Briefs.

Administrative Services, Social Service Board, State Capitol, Bismarck, ND 58505
... 224-2339

With the current interest in self-awareness, self-development, and self-fulfillment, this excellent layman's review of new books in the field of social work could be of value in improving your collection on the subject.

Focus on the Modern Family.

Guide to Extension Home Economics, Circular HE-403, Rev. April 1976.
Cooperative Extension Service, North Dakota State Univ., Fargo, ND 58102 ... 237-8118

Once this program planning aid is discovered, demand will be frequent. It's a "guide to the continued learning opportunities offered to North Dakota homemakers, families, individuals, and communities. Program offerings recognized by homemakers and community leaders are then prepared and written by state staff specialists in the fields of foods, nutrition, health, clothing, textiles, human relations, consumer competence, household equipment, home furnishings, family economics, and cultural arts." Whew!

Survival in the Winter Storm.

Disaster Emergency Services, Planning Division, Box 1817, Bismarck, ND 58505 ...
224-3213

"... an exceptional film, it deals with lifesaving and rescue missions associated with the dangers of winter weather, watch and warning alerts, and the necessity for emergency planning by local governments when dealing with winter weather conditions."

* * * * *

"TO MARKET, TO MARKET"

*Reprinted from the Newsletter of the Rhode Island Department of State Library Services
October 22, 1976*

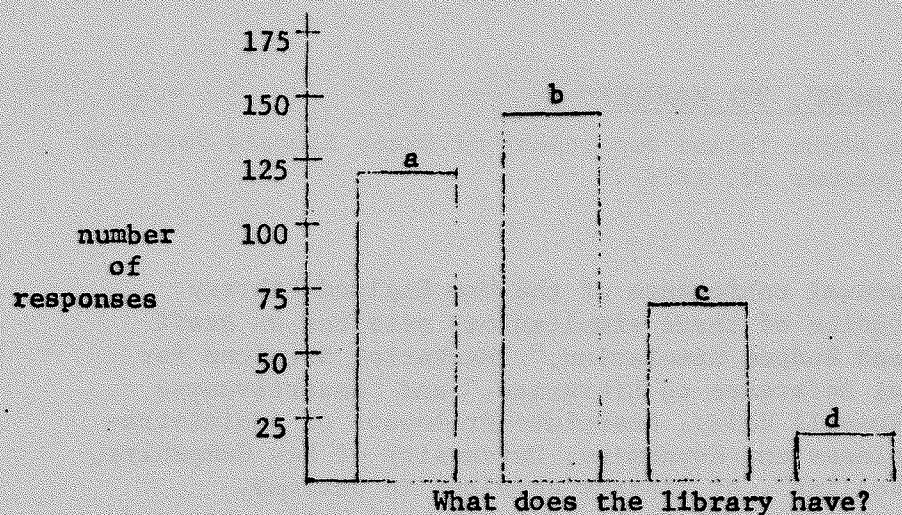
Tuesday afternoon at the 29th annual conference of the New England Library Association, those attending had a choice of three simultaneous sessions on staff and management: "Program Planning and Budget Simulation," "Marketing Services for Non-Profit Organizations with Special Reference to Libraries," and "Assertiveness Training." At the second session, Russell Haley, Associate Professor of Administration at the Whittemore School of Business and Economics, University of New Hampshire, talked about the marketing, i.e. "selling", of library services to patrons. Professor Haley has acted as a marketing consultant to many types of businesses and non-profit organizations from toothpaste companies to department stores to an organization interested in promoting German culture. Despite differences in services and goals, marketing techniques may have significance and application for libraries, particularly in putting us in touch with ideas that we have always known instinctively, but seldom think about.

One of the major problems for any commercial concern or non-profit organization is its image, not its self-image, but how the general public, or more specifically, the potential customer or client views it. In what terms do various groups of people think of the library? What do they see as its role in the community? What services do they think the library provides? Professor Haley feels that it is very difficult to change an image, but it is possible to use it to one's advantage. If a department store called Ronson's is known to have a good selection in sports clothes, no one is going to be too impressed by ads for merchandise in the millinery department; however, a customer attracted to the store by a sale on sports clothes will be delighted to discover other goods on his way through the store. Perhaps libraries (and each one is individual, much as stores vary in size and type of merchandise) suffer from a "fuzzy" image. Because a potential patron is not quite sure about what the library does provide, and what he will find there, he sees no reason to go in search of a particular item or service, not knowing whether his quest will be successful.

In a further consideration of marketing, Professor Haley also pointed out that any business or concern should never advertise something that it cannot provide in quantity or do very well. Nothing hurts the image of a company or institution more or annoys clients or patrons more than advertising, i.e., promising, something that is not immediately available on demand.

How do you find out what the image of your library is in the community? You might consider a small survey - conducted in the library, or by random telephone calls, or by sending a form to selected cardholders - with questions each requiring a choice of one or more possible responses. For example, you might ask "What phrase or phrases below best describe what the

library has in its collection?", with choices for responses such as: a) a little of everything; b) mostly mysteries, light reading, and books for children; c) magazines, newspapers, and informational books; d) everything but what I want. Remember, you are not drawing a picture of what your library is, but of its image as seen by members of the community. If the survey is kept to a small number of responses, the results can be tabulated by hand and a bar graph drawn to illustrate the results.



A similar survey could provide a profile or profiles of typical library users, their backgrounds and reasons for coming to the library. Even a question such as "Where are you coming from?" or "Where are you going when you leave the library?" can provide clues for understanding the people you serve. The library can also pinpoint the major segment of the community to which it should appeal - those already using or likely to use its services. Advertising or public relations cannot work miracles. It does not change minds, but rather persuades those who are already susceptible to buy a product or use a service. Expansion of the library's "market" will probably have to be by gradual persuasion rather than mass conversion.

Granting that there is a product or service that libraries distribute (i.e., offer) to patrons, and that this service must be advertised (i.e., promoted), there still seems to be no fee or price for obtaining this service on an individual basis. There may be no monetary price for individual service (collectively, of course, service is paid for by tax revenues or institutional fees), but there is a psychological price to be paid, especially for a new patron. Think of the confusion of going into an imposing new department store where you feel that each salesperson knows a good deal more than you do about the merchandise, and you can't even find the store directory. Where are the cooked tomatoes in an unfamiliar grocery store; are they shelved with the canned vegetables or with the pasta and spaghetti? The problem for library patrons is not only in knowing where, but also in knowing how. How to ascertain what they want, and how to find out where it is in the library. People do not like to admit ignorance in the face of a strange institution they feel they should know something about.

What is your library's image, and who are its potential patrons?

March 15, 1977 - vol 9, no 4 430-77-0381-03
NORTH DAKOTA State Library
Bismarck, ND 58501

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FLICKERTALE Newsletter

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A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 4

March 15, 1977

* * * DIRECTORY OF NORTH DAKOTA LIBRARIES * * *

ASHLEY 58413	<u>Ashley Public Library</u> Mrs. Bruce McShane, Librarian	None
BEACH 58621	<u>Golden Valley County Library</u> Mrs. Frances Kress, Librarian	872-4627
BELCOURT 58316	<u>Belcourt Public Library</u> Marlin Belgarde, Librarian	477-3364
BEULAH 58523	See <u>Riverdale, McLean-Mercer Regional Library</u>	
BISMARCK 58501	<u>Bismarck Hospital School of Nursing</u> 613 E. Rosser Avenue Mattie Hamery, Librarian	223-4700 Ext. 271
	<u>Bismarck Junior College</u> Mrs. Lois Engler, Librarian Miss Carol Moreland, Asst. Librarian	223-4507
	<u>Mary College</u> Apple Creek Road Brother Paul Nyquist, O.S.B., Librarian Mrs. Diane Jones, Asst. Librarian Mrs. Lorraine Dvorak, Asst. Librarian Sister Mary Gefre, O.S.B., A-V Coordinator Sister Leonelle Reinart, O.S.B., Cataloging	255-4681 Ext. 502
	<u>N.D. State Department of Public Instruction</u> State Capitol Mrs. Genevieve Buresh, Director of Library Services S. R. Lacher, A-V consultant	224-2281 224-2289
N.D. State Health Department	<u>State Capitol</u> Bernadine Cervinski, Librarian	224-2367
	<u>N.D. State Highway Department Technical Library</u> Highway Building, Capitol Miss Lou Grueneich, Librarian	224-2610

North Dakota State Library
Bismarck, ND 58505

BISMARCK (cont.)	<u>N.D. State Historical Society</u> Research & Reference Division Liberty Memorial Building, State Capitol Frank E. Vyzralek, Archivist Lyle Nelson, Research Associate Miss Connie Sylvester, Research Asst. Melinda Tetzloff, Research Asst. Lavern Larson, Microfilm Technician Bill Leingang, Photo Curator	224-2668
	<u>N.D. Supreme Court Law Library</u> State Capitol Elmer Dewald, Librarian	224-2227 or 224-2229
	<u>N.D. State Library Commission</u> Randal Building, Highway 83 North Richard J. Wolfert, State Librarian Donald G. Wald, Administrative Asst. Mrs. Cheryl Bailey, Head of Library Services Miss Marilyn Guttromson, State Government Services Mrs. Beth Ludvigsen, Reference & Cataloger	224-2490 224-2492 224-2492 224-2490 224-2490 224-2490
	<u>N.D. State Social Service Board</u> State Capitol Miss Mary Lynch, Librarian	224-2339
	<u>Quain & Ramstad Clinic (S.W. AHEC)</u> 221 N. 5th Street Mrs. Harriet Kling, Librarian	222-5390
	<u>St. Alexius Hospital</u> 311 N. 9th Street Mrs. Mary Harkness, Librarian	223-5000 Ext. 1096
	<u>Veterans Memorial Public Library</u> 520 Avenue A East Thomas T. Jones, Director Mary Jane Chaussee, Asst. Director Darrel Hildebrant, Program Coordinator Marie Gilchrist, Bookmobile Librarian Mrs. Evelyn Connor, Circulation Services Mrs. Alice Miller, Regional Library Planning Coordinator	223-4267
BOTTINEAU 58318	<u>N.D.S.U. - Bottineau Branch</u> Wendal J. Cushing, Librarian Mary Thorleifson, Asst. Librarian	228-2277
BOWMAN 58623	<u>Clara Lincoln Phelan Memorial Library</u> Mrs. Clara D. Brown, Librarian	523-3797
CARRINGTON 58421	<u>Carrington City Library</u> Mrs. Blanche Stangeland, Librarian	652-3921
CARSON 58529	<u>Carson Public Library</u>	None



CASSELTON 58012	<u>Casselton Public Library</u> Mrs. Orville Mattson, Librarian	347-4861
CAVALIER 58220	<u>Cavalier Public Library</u> Mrs. Carl A. Berg, Librarian	265-8952
COOPERSTOWN 58425	<u>Griggs County Library</u> Mrs. Marjorie Larson, Librarian Mrs. Amy Winning, Asst. Librarian	797-2214
CROSBY 58730	<u>Divide County Library</u> Mrs. Ruth Ralph, Librarian	965-6305
DEVILS LAKE 58301	<u>Carnegie Public Library</u> Miss Mary Braaten, Librarian	662-2220
	<u>Lake Region Junior College Library</u> Mrs. Donna Matter, Librarian Virginia Thorlasius, Asst. Librarian	662-4951 Ext. 42
	<u>School for the Deaf Library</u> 14th & 1st Avenues Vernon Johnson, Librarian	662-5113
DICKINSON 58601	<u>Dickinson Public Library</u> 139 3rd Street West Mrs. Cheryl Drury, Librarian Betty Huber, Children's Librarian	225-2162
	<u>Dickinson State College Stoxen Library</u> Bernnett Reinke, Director James Martz, Acquisitions Mrs. Luoise Pearson, Cataloger Claudia Fisher, Library Technician Eileen Kopren, Circulation	227-2136
	<u>St. Joseph's Hospital Library</u> Mrs. Alice Stranik, Librarian	225-6771 Ext. 267
DRAKE 58736	<u>Drake Public Library</u>	None
EDGELEY 58433	<u>Edgeley Public Library</u> Mrs. Ruth Evert, Librarian	493-2769
	<u>South Central Area Library</u> Mrs. Ruth Evert, Librarian	493-2769
ELLEDALE 58436	<u>Ellendale Public Library</u> Mrs. Agnes Martinson, Librarian	349-4072
	<u>Trinity Bible Institute</u> Fred J. Graham Library Mrs. Esther Zink, Librarian	349-3408

- ENDERLIN 58027 Enderlin Municipal Library 437-4911
Mrs. Donn Larson, Librarian
- FARGO 58102 Dakota Clinic Library 235-0531
1702 S. University Drive
Mrs. Shirley Iken, Librarian
- Fargo Public Library 235-7567
102 North 3rd Street
Richard C. Waddington, Manager
Jerome D. Lamb, Asst. Manager
Katherine Rogne, Bookmobile Librarian
Leslie Hagemeister, Children's Librarian
Mrs. Beverly A. Rogers, Circulation
William C. Buck, Cataloger
Steve Hubbard, Reference & Interlibrary Loan
Vicki Rensing, Area Cooperation
- Neurological Neuropsychiatric Hospital Library 235-5354
700 1st Avenue So.
Mary Wyatt, Librarian
- North Dakota State University Library 237-8876
University Station
K. L. Janecek, Director of Libraries
Patricia Schommer, Coordinator, Library Resources Development
David F. Reed, Head, Reference Department
Dr. Hans Zenner, Head, Catalog Department
Mrs. Beverly Brkic, Cataloger
Mrs. Aileen Buck, Reference
Miss Kathryn Hollenhorst, Reference & Documents
Phyllis Nelson, Catalog Librarian
Michael Miller, Reference & Instructional Services
John Bye, Asst. Archivist
James Robbins, Head, Serials Department
Richard Barton, Systems Librarian
Mrs. Karen Pedersen-Vogel, Reference & Serials
- St. John's Hospital Library 232-3331
510 S. 4th Street
Benita Engelhart, Medical Records Administrator
- St. Luke's Hospital Library 235-3161
5th Street & Mills Avenue
Miss Marsha Stephens, Librarian
- St. Luke's School of Nursing Library 235-3161
736 N. Broadway
Mrs. Alice Hilmo, Librarian
- Sacred Heart (Convent) 237-4857
Highway 81 South
Sister Marie Phillip, Librarian
- State Film Library 237-8907
University Station
Lillian M. Wadnizak, Librarian

FARGO (cont.)	<u>Veteran's Administration Center Library</u> North Elm & 21st Avenue Glen Hasse, Chief Librarian Mrs. Vicki Peterson, Asst. Librarian David Hulkonen, Medical Librarian Susan Pezalla, Library Technician Nancy Utterback, AHEC Librarian	232-3241 Ext. 280
FORMAN 58032	<u>Forman Public Library</u> Mrs. Dorothea Nelson, Librarian	None
FORT YATES 58538	<u>Sioux County Library</u> P. O. Box 102	854-2121
	<u>Standing Rock Tribal Library</u> Margaret Teachout, Coordinator	854-2901 Ext. 2
GACKLE 58442	<u>Gackle Public Library</u> Mrs. Alvin Hummel, Librarian	None
GARRISON 58540	See <u>Riverdale, McLean-Mercer Regional Library</u>	
GLEN ULLIN 58631	<u>Glen Ullin Public Library</u>	348-3683
GRAFTON 58237	<u>Carnegie Bookmobile Library</u> Mrs. Ora Stewart, Director Mrs. Mary Cyr, Reference Mrs. Irene P. Walters, Children's Librarian	352-2754 Toll Free Number 1-800-342-4906
	<u>Grafton State School Library</u> Don E. Watson, Administrator	352-2140
GRAND FORKS 58201	<u>Grand Forks Energy Research Center Library</u> P. O. Box 8213, University Station Mrs. Vicki Duncan, Librarian	775-4207
	<u>Grand Forks Public Library</u> 2110 Library Circle Dennis Page, Director Mrs. Elaine Strand, Reference Mrs. Marian Braaten, Children's Librarian Mrs. Bette Brevik, Interlibrary Loan	772-8116
	<u>United Hospital Library</u> 1200 S. Columbia Road Ms. Marjorie Davis, Librarian	780-5146
58205	<u>U.S. Air Force Institute of Technology</u> AFIT Library Det. 12 Grand Forks Air Force Base Ms. Cynthia Iverson, Librarian	594-6366
	<u>U.S. Air Force Base Library</u> Miss Alice Roy, Librarian	594-6725

GRAND FORKS (cont.)	<u>UND - Chester Fritz Library</u> Edward S. Warner, Director of Libraries Candace Walker, Public Services Librarian Mary Scott, Public Services Librarian Anita Wasik, Coordinator, Serials Section Mrs. Betty Gard, Coordinator, Reference Section Dorothy Goolsbey, Public Services Librarian Mrs. Shelby Harken, Coordinator, Catalog Section Karen Holte, Technical Services Librarian Patricia Berntsen, Coordinator of ERIC Center Ivan Opp, Public Services Librarian Daniel F. Rylance, Archivist & Curator, Libby Manuscript Collection Donald Olson, Public Services Librarian Mary Klave, Coordinator, Circulation Section Joan Cheney, Public Services Librarian Adelaura O'Connell, Coordinator, Interlibrary Loan Section Janice Bolstad, Library Secretary Amy Cohen, Public Services Librarian Edward C. Oetting, Assistant Curator of Manuscripts	777-2617
	<u>University of North Dakota - Geology Library</u> Mary Scott, Librarian	777-3221
	<u>University of North Dakota - Thomodsgard Law Library</u> Roger V. Becker, Director Patricia Folkestad, Associate Director Barbara Hanson, Associate Director Don Olson, Associate Director	777-2204
	<u>UND - Harley E. French Medical Library</u> Charles Bandy, Librarian Lorraine Ettl, Circulation, Reference Librarian Lila Pedersen, Technical Services Librarian Leone Rodningen, Interlibrary Loan Librarian Richard Winant, Biomedical Communications	777-3893 777-3993 777-3993 777-3993 777-3894
HANKINSON 58041	<u>Hankinson Public Library</u> Mrs. Edwin Roeder, Librarian	242-7929
HARVEY 58341	<u>Harvey Public Library</u> 520 Lincoln Avenue Mrs. Marlene Ripplinger, Librarian	324-2156
HAZEN 58545	See <u>Riverdale, McLean-Mercer Regional Library</u>	
HETTINGER 58639	<u>Adams County Library</u> Mrs. Claude Marion, Librarian	567-2741
HOPE 58046	<u>Hope City Library</u> Sandy Kainz, Librarian	945-2461
JAMESTOWN 58401	<u>Alfred Dickey Public Library</u> 105 Third Street, SE Mrs. Jeanne Cobb, Librarian Mrs. Eleanor Glenney, Children's Librarian	252-2990

JAMESTOWN (cont.)	<u>Alfred Dickey Public Library, cont.</u> Mrs. Norma Richardson, Cataloger Mrs. Elsie Weber, Circulation Mrs. Mary Simmons, Technical Services-Interlibrary Loan	
	<u>Jamestown College Raugust Library</u> Harold Kelly, Director Daniel Paquette, Asst. Librarian DeElta Moss, Circulation Lois Swanson, Cataloger-Interlibrary Loan Ruth Anderson, Acquisitions	253-2525
	<u>North Dakota State Hospital - Health Science Library</u> Mrs. Laurie Reule, Librarian Mrs. Denise Pahl, Library Technician Mrs. Peggy Renk, Library Clerk	253-2679
	<u>North Dakota State Hospital - Patient's Library</u> Mrs. Lorraine Domek, Librarian	253-2678
	<u>Northern Prairie Wildlife Research Center Library</u> P.O. Box 1747 Ms. Ell-Piret Multer, Librarian Wanda Anderson, Library Technician	252-5363
	<u>Stutsman County Library</u> 502 10th Avenue SE Mrs. Leona Daede, Librarian	252-1531
	<u>North Dakota Farmers Union Library</u> 1415 12th Avenue SE Mrs. Myra Spilde, Librarian	252-2340 Ext. 336
KILLDEER 58640	<u>Killdeer Public Library</u> Sylvia Erickson, Librarian	764-5314
LAKOTA 58344	<u>Lakota City Library</u> Box 307 Mrs. Joanne Brown, Librarian	None
LAMOURE 58458	<u>LaMoure School and Public Library</u>	883-5086
LANGDON 58249	<u>Langdon Public Library</u> Mrs. E. J. Donovan, Librarian	None
LARIMORE 58251	<u>Edna Ralston Public Library</u> Mrs. Delores Knutson, Librarian	None
LEONARD 58052	<u>Watts Free Library</u>	None
LIDGERWOOD 58053	<u>Lidgerwood City Library</u> Mrs. Alice Biewer, Librarian	538-4084
LINTON 58552	<u>Linton Public Library</u> 120 East Hickory Mrs. Albert Wenzel, Librarian	None

LISBON 58054	<u>Lisbon Public Library</u> Box 569 Mrs. Lola Quam, Librarian	683-5174
MANDAN 58554	<u>Mandan Public Library</u> Dan Sevig, Librarian	663-3255
	<u>Morton County Library</u> 300 1st Street, NW Mrs. Ann Rebenitsch, Librarian	663-6133
	<u>N.D. Memorial Mental Health & Retardation Center Library</u> Mrs. Gary W. Wilkinson, Librarian	663-6575
	<u>N.D. State Industrial School Library</u> Box 548 Mrs. Jeannette L. Holm, Librarian	663-9523
	<u>U.S. Northern Great Plains Research Center Library</u> Mrs. Georgene Schmidt, Librarian	663-6448 Ext. 7
MAYVILLE 58257	<u>Mayville Public Library</u> Mrs. Marcus Moen, Librarian	786-3388
	<u>Mayville State College Library</u> Miss Clenora Quanbeck, Director Mrs. Betty Karaian, Cataloger Mrs. Margit Eastman, Acquisitions	786-2301 Ext. 263
MINOT 58701	<u>Minot Air Force Base Library</u> Building 138 Mrs. Geraldine Brosman, Librarian	727-4761 Ext. 3344 or 3406
	<u>Minot Public Library</u> 516 2nd Avenue SW Jerry Kaup, Director Janeice Hiatt, Adult & Reference Services Flora Barber, Cataloger Betty Charley, Children's Librarian Melody Kuehn, Area Services Librarian Darlene Stultz, Circulation & Special Services	852-1045
	<u>Minot State College Memorial Library</u> George Clark, Head Librarian Theodore Giese, Reference & Documents Mrs. Gail Hjelmstad, Curriculum Laboratory Miss Karen Johnson, Circulation Raymond Chu, Cataloger Mrs. Mary Jane Anderson, Periodicals Mrs. Georgie Hager, Reference & Interlibrary Loan Ronald J. Rudser, Acquisitions, Library Science Instructor	852-3100 Ext. 342 332
	<u>Northwest Bible College</u> Andrew Anderson Memorial Library 1900 8th Avenue SE Clyde Root, Librarian	852-3781 Ext. 41

MINOT (cont.)	<u>St. Joseph's Hospital Library</u> 3rd Street & 4th Avenue SE	838-0341
	<u>Trinity Medical Center Library (N.W. AHEC)</u> 20 4th Avenue SW Mrs. Frances Cockrum, Librarian	839-9344
	<u>Trinity School of Nursing Library</u> 401 1st Street SW Mrs. Mildred Morgen, Librarian	839-9229
	<u>U.S. Air Force Regional Hospital Library</u> Chief M/S Robert Jaudon, Librarian	838-8281 Ext. 215
58705	<u>UND Minuteman Missile School Library</u> Minot Air Force Base, Building 475 Ms. Theresa Norton, Librarian	727-4761 Ext. 3711
	<u>Ward County Public Library</u> 516 2nd Avenue SW Mrs. Diane Caley, Director Doris Howery, Extension Services Yvonne Ramsfield, Special Services Gail Goebel, Circulation	852-1045
MOHALL 58761	<u>Mohall Public Library</u> Mrs. John Smith, Librarian	756-6464
MOTT 58646	<u>Mott Public Library</u> Box 477 Mrs. Regina Vasey, Librarian	824-2163
NEW ENGLAND 58647	<u>New England Public Library</u> Mrs. Annette Haugen, Librarian	579-9554
NEW ROCKFORD 58356	<u>New Rockford Public Library</u> Nancy Ritzke, Librarian	None
NEW SALEM 58563	<u>New Salem Public Library</u> Mrs. Wayne Werchau, Librarian	843-7772
NEW TOWN 58763	<u>New Town Public Library</u> Box 517 Mrs. Herbert J. Wilson, Librarian	627-4741
NORTHWOOD 58267	<u>Northwood City Library</u> Linda Tinderholt, Librarian	None
OAKES 58474	<u>Oakes School & Public Library</u> Mrs. Doris Hankel, Librarian	742-3234
PARK RIVER 58270	<u>Park River Public Library</u> Mrs. Art Erovick, Librarian	284-6116
PARSHALL 58770	<u>Parshall Public Library</u> Mrs. John Risan, Librarian	862-3466

RIVERDALE 58565	<u>McLean-Mercer Regional Library</u> Box 505 Miss Judy Welk, Librarian Roberta Steckler, Asst. Librarian	654-7652
	<u>McLean-Mercer Regional Library Branches</u>	
	<u>Beulah Women's Club Library</u> 22 N. Central Avenue Mrs. Charles R. Thelander, Sr., Librarian	873-4637
	<u>Garrison Public Library</u> City Auditorium - Main Street Mrs. Don Zimmerman, Librarian	None
	<u>Hazen City Library</u> Mrs. Herb Ost, Librarian	None
	<u>Washburn City Library</u> Washburn High School Mrs. Gerald B. Schwarz, Librarian	462-3221
ROLETTE 58366	<u>Rolette Public Library</u>	None
ROLLA 58367	<u>Rolla Public Library</u> Mrs. Hazel E. Kyle, Librarian	None
RUGBY 58368	<u>Heart of America Library</u> Mrs. Alyce Rasmussen, Librarian	776-6223
STANLEY 58784	<u>Linson Memorial Library</u> Mrs. Bess Ellis, Librarian	628-2939
STEELE 58482	<u>Kidder County Library</u> P. O. Box 43 Mrs. Mary Fredrickson, Librarian	475-2855
TIOGA 58852	<u>Tioga Community Library</u> Mrs. Joyce Guttormson, Librarian	664-3627
TURTLE LAKE 58575	<u>Turtle Lake Public Library</u> Jessie M. Clark, Librarian	None
UNDERWOOD 58576	<u>Underwood Public Library</u> Mrs. Lester Zietz, Librarian	442-5269
VALLEY CITY 58072	<u>Valley City Public Library</u> 410 N. Central Avenue Mrs. Diane Bjerke, Librarian	845-3821
	<u>Valley City State College Allen Memorial Library</u> Mrs. Lillian Jacobson, Head Librarian Mrs. Carole Jefferson, Curriculum Librarian Miss Anne Haugaard, Circulation & Reference	845-7276
VELVA 58790	<u>Velva School & Public Library</u> Mrs. Iris Swedlund, Media Specialist	338-3151

WHPETON 58075	<u>Leach Public Library</u> 417 2nd Avenue N. Mrs. Helen Lindberg, Librarian	642-5732
	<u>N.D. State School of Science Mildred Johnson Library</u> Jerald Stewart, Head Librarian Layton Prosser, Reference Librarian Mrs. Leona Fogarty, Interlibrary Loan Librarian Mrs. Mary Kroshus, Cataloger Mrs. Mary Carter, Periodicals Librarian Steve Krohn, Audio-visual Coordinator Mrs. Mary Soehren, Cataloger	671-2674
WALHALLA 58282	<u>Walhalla Public Library</u> Mrs. Leonard Tetrault, Librarian	None
WASHBURN 58577	See <u>Riverdale, McLean-Mercer Regional Library</u>	
WATFORD CITY 58854	<u>Watford City Public Library</u> P. O. Box 426 Mrs. Lillian G. Piper, Librarian	842-3785
WEST FARGO 58078	<u>West Fargo Public Library</u> 401 7th Street East Miss Miriam Arves, Librarian	282-0415
WILLISTON 58801	<u>James Memorial Library</u> Mrs. Cynthia Schaff, Librarian Mrs. Janet Gubrud, Children's Librarian	572-9751
	<u>UND-Williston Center - N.D. Masonic Memorial Library</u> Box 1326 Mrs. Diane Clay, Librarian Mrs. Jane McMillan, Library Asst.	572-6736
	<u>West Plains Rural Library</u> 1404 2nd Avenue West Mrs. Anne Lassey, Librarian	572-2811
WISHEK 58495	<u>Wishek Public Library</u>	None

LIBRARIES OPERATED BY ELEMENTARY AND SECONDARY PUBLIC AND NON-PUBLIC SCHOOLS
CAN BE LOCATED BY CONSULTING THE NORTH DAKOTA EDUCATION DIRECTORY, PUBLISHED
BY THE STATE DEPARTMENT OF PUBLIC INSTRUCTION, STATE CAPITOL, BISMARCK, ND 58505

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Newsletter



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A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 5

April 1, 1977

- PUBLIC LIBRARY BUDGET PROCEDURES -

Building your budget accurately is the first important step in securing funds for the coming fiscal year. The second important step is the justification for the funds that you are requesting from your governing body (city or county). The librarian and the president of the library board may have to appear at the budget hearing called by the city council or county commissioners, and be prepared to answer questions about the library operation. Bring with you any supporting evidence of need for the library budget.

Under North Dakota law, the 1978 fiscal year for public libraries starts July 1, 1977 and ends June 30, 1978. Budget preparation for the 1978 fiscal year should be in process now.

In building your library budget, consider all possible sources of income. These sources would include:

1. Mill levy on the net taxable assessed valuation in the city or county operating the library. Up to 4 mills city and 2 mills county may be levied for the library funds. Additional mills may be levied upon a sixty percent vote of the people. Home Rule cities may be exempted from these limitations.
2. Previous years unpaid taxes expected to be paid during the fiscal year.
3. Personal property tax replacement funds supplied by the state to the county treasurer for distribution to the various local governments, including the library. See your city or county auditor for estimates of income in these three above categories.
4. Homestead Act replacement funds supplied by the state to local governments. Public libraries are eligible for these funds. See your local officials.
5. Revenue sharing funds provided by the federal government to your city or county. See your city or county officials about these funds.
6. Contracts for furnishing library service to other cities, counties, townships or school districts.
7. Charges made by the library for such items as overdue, lost, or damaged library materials and for photocopying.

8. Interest on the investment of library funds.
9. Rent of properties owned by the library.
10. Donations from patrons.
11. Special grants from the State Library.

For example:

Civiltown Public Library. Population: 5,500

ESTIMATED INCOME

Mill levy - 4 mills levied by City Council (net assessed valuation \$4,000,000.00 x 4 mills = \$16,000.00) less 5 percent discount for prompt payment -\$800.00	\$ 15,200.00
Personal Property Tax Replacement Fund (often 20 percent of above)	3,200.00
Homestead Act funds	1,000.00
Previous Year's Unpaid Taxes (estimated)	400.00
Revenue Sharing Funds	1,500.00
State Library Grant	1,000.00
County Support	2,500.00
Donations from Patrons	350.00
Charges Made by the Library	500.00
Interest on Investments	450.00
Rent on Library Properties	350.00
Sale of Materials and Equipment	150.00
TOTAL	\$26,600.00
CASH ON HAND (at least 50 percent, but no more than 75 percent of total budget)	13,300.00
	\$39,900.00

ESTIMATED EXPENDITURES

Salaries	15,000.00
Benefits (Social Security, retirement, Workmen's Compensation, medical insurance)	1,500.00



Library Materials

Books	3,700.00
Periodicals	500.00
Recordings	500.00
Filmstrips	200.00
Microfilm	100.00

Building and Grounds

Utilities	1,900.00
Insurance	300.00
Repairs and Maintenance	500.00
Special Assessments	100.00

Other Operating Costs

Postage	100.00
Travel	300.00
Printing and Advertising	100.00
Memberships	100.00
Supplies	1,000.00
Binding	100.00
Miscellaneous (contingency)	250.00

Capital Expense

Equipment	350.00
Building	-0-

TOTAL\$26,600.00

Interim Fund required on July 1
(at least 50 percent of budget) 13,300.00

TOTAL BUDGET REQUEST\$39,900.00

Your estimated expenditures should equal your estimated income, unless you are planning to use or build up your INTERIM FUND. Your Interim Fund, however, must not be in excess of three-fourths of your current annual appropriation (NDCC 57-15-27).

Libraries may establish a LIBRARY TRUST FUND for the investment of donations of monies, stocks and bonds to the library (NDCC 40-38-08).

Libraries may establish a LIBRARY BUILDING FUND for the building, leasing, lease-purchasing, or purchasing of a library building and a site therefor (NDCC 40-38-05).

Following is a summary of city and county library mill and tax levies for the fiscal year 1977 (July, 1976 - June, 1977). This information was taken from the Abstracts of Tax Lists Certified by the County Auditor, which is on file in the State Tax Department, Bismarck.

This is the amount of money that your County Auditor certified as expected to be received by each library during this fiscal year from the local property tax. If you do not receive this amount or an amount close to it from this source (allow for the 5 percent discount and delinquent taxes), consult with your city or county auditor for an explanation of the discrepancy.

In addition to the tax levy listed for your library, don't forget your library's share of the personal property replacement money, Homestead Act money, and federal Revenue Sharing Funds - be sure to check with your city or county auditor on these important sources of funds.

- COUNTIES -

<u>COUNTY</u>	<u>MILL LEVY</u>	<u>TAX LEVY</u>
Adams	2.00	\$ 13,774.49
Barnes	2.00	28,975.87
Bottineau	1.98	25,751.34
Burleigh	2.00	22,055.12
Cavalier	1.00	13,307.95
Divide	2.00	15,248.46
Golden Valley	1.00	4,821.12
Grand Forks	-0-	-0-
Griggs	1.25	6,873.64
Kidder	1.39	9,053.93
LaMoure	1.50	15,731.43
Logan	1.75	9,793.58
McKenzie	1.00	7,603.60
McLean	2.00	24,897.27
Mercer	1.79	11,871.24
Morton	1.56	25,037.62
Mountrail	1.50	12,424.82
Nelson	1.00	8,854.02
Pembina	1.00	18,032.79
Pierce	1.50	12,058.25
Sioux	2.00	4,834.68
Stutsman	2.00	31,829.52
Walsh	1.00	16,896.04
Ward	2.00	39,585.04
Williams	2.00	28,560.34
TOTAL	<u>1.53*</u>	<u>\$407,872.16</u>

*average

- CITIES -

<u>CITY</u>	<u>MILL LEVY</u>	<u>TAX LEVY</u>
Beulah	1.13	1,250.05
Bismarck	4.00	149,554.98
Bowman	4.00	4,886.43
Carrington	1.78	3,203.54
Casselton	4.00	3,739.34
Cavalier	3.70	4,550.38
Cooperstown	4.00	3,246.67
Devils Lake	4.00	20,583.68
Dickinson	4.00	36,698.07
Drake	.89	300.77
Edgeley	2.55	1,200.42

- CITIES, continued -

<u>CITY</u>	<u>MILL LEVY</u>	<u>TAX LEVY</u>
Ellendale	3.84	3,900.88
Enderlin	4.00	2,263.10
Fargo	5.63	285,039.00
Forman	3.87	1,200.31
Gackle	2.51	598.92
Goodrich	3.00	384.77
Grafton	4.00	13,641.53
Grand Forks	5.00	174,806.55
Hankinson	4.00	2,124.58
Harvey	3.81	5,100.36
Hazen	1.00	654.87
Hebron	.33	203.53
Jamestown	4.00	48,649.66
Kenmare	1.57	1,099.37
Killdeer	4.00	1,413.28
Lakota	3.63	2,204.99
LaMoure	3.15	1,800.00
Larimore	3.20	2,501.44
Leeds	1.19	319.16
Leonard	2.06	300.88
Lidgerwood	3.88	2,298.07
Linton	4.00	3,895.57
Lisbon	6.00	7,078.54
Mandan	4.00	30,892.38
Mayville	4.00	5,155.49
Milnor	3.68	899.94
Minot	4.97	143,919.00
Mohall	4.00	2,077.36
Mott	4.00	2,952.73
New Town	4.00	1,863.20
Northwood	.79	562.64
Oakes	4.00	4,712.21
Park River	4.00	4,468.70
Parshall	4.00	1,494.42
Rolette	.27	100.53
Rolla	3.91	4,005.07
Rugby	4.00	8,132.15
Stanley	4.00	3,071.90
Tioga	3.56	2,748.08
Turtle Lake	2.20	612.32
Underwood	3.75	1,402.11
Valley City	4.00	19,928.30
Velva	1.14	600.39
Wahpeton	4.00	17,567.00
Walhalla	1.80	1,446.38
Watford City	4.00	3,575.20
West Fargo	4.00	20,830.71
Williston (James Memorial)	4.00	36,447.42
TOTAL	<u>3.35</u>	<u>\$1,110,159.32</u>

*average

SUMMARY

Cities levying	4.01 - 6.00 mills ...	4
	3.75 - 4.00 mills ...	33
	3.00 - 3.74 mills ...	7
	2.00 - 2.99 mills ...	4
	1.00 - 1.99 mills ...	7
	0.01 - 0.99 mills ...	<u>5</u>
		60

Counties levying	2.01 - 3.00 mills ...	0
	1.75 - 2.00 mills ...	12
	1.00 - 1.99 mills ...	12
	0.00 - 0.99 mills ...	<u>1</u>
		25

may 10, 1977 - vol 9, no 6.

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State Library
ND 58501

A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 6

May 10, 1977

NORTH DAKOTA ADVISORY COUNCIL ON LIBRARIES

Randal Building - Highway 83 North
Bismarck, North Dakota
58505

April 20, 1977

- ARTHUR A. LINK
Governor
- RAYMOND PELTON, Velva
Chairman
Telephone 338-3151
- DINA BUTCHER, Minot
Vice-Chairman
- PEG AHLNESS
Bowman
- SISTER GORDON BARNARD
Bismarck
- ROGER V. BECKER
Grand Forks
- GEORGE H. BLIVEN
Grafton
- CHARLES R. BORCHERT
Grand Forks
- DORIS GREENLEAF
Devils Lake
- LOIS HINRICHS
Dickinson
- KILBOURN L. JANECEK
Fargo
- LORETTA M. KNIGHT
Bismarck
- LEONARD J. KNORR
Riverdale
- ELEANOR OLSON
Williston
- MARGARET V. OTT
Jamestown
- RICHARD C. WADDINGTON
Fargo
- RICHARD J. WOLFERT
State Librarian
and Executive Secretary
Telephone 224-2492

Honorable Arthur A. Link
Executive Office
State Capitol
Bismarck, North Dakota 58505

Dear Governor Link:

The North Dakota Advisory Council on Libraries herewith submits a report on its activities and recommendations for the period October 1975 through December 1976.

On behalf of the members of the Council, I wish to express our appreciation for your confidence in appointing us to the Council. Each has learned a great deal about the challenges of improving library service during our period as Council members, and we hope that our work will lead toward such improvements as may be necessary in our state.

We thank you for your interest and support of our endeavor.

Sincerely,

Ray Pelton
Chairman
NORTH DAKOTA ADVISORY COUNCIL ON LIBRARIES

RP:sz

North Dakota State Library
Bismarck, ND 58505

REPORT
of the
NORTH DAKOTA ADVISORY COUNCIL ON LIBRARIES
for 1976

In July of 1974 you appointed the North Dakota Advisory Council on Libraries--in compliance with U.S. Government regulations concerning the administration of the Library Services and Construction Act--to advise the Governor, the Director of Institutions, and the State Librarian on matters of policy and programs pertaining to statewide library development and services.

The Council submitted its first report to the Governor on February 2, 1976. In that Report the Council identified five areas of concern for further study:

A. Access to adequate library resources...

The Council feels that every person living in North Dakota has the right of access to adequate library resources. It found, during its studies of that year, that while many North Dakotans have access to good or adequate library services, many others have no convenient access to library service of any kind, and that still others have access to limited and, in some cases, sub-standard service.



B. Staff to design and carry out library programs...

The Council identified the lack of qualified library staff as one of North Dakota's most serious library problems, affecting every type of library and their services to North Dakotans.

C. Physical facilities and equipment...

Rising construction costs plus the increasing costs of maintaining space pose serious problems for libraries which lack adequate physical facilities. Alternatives to more space must be considered.

D. Coordinated planning...

While the Council felt that it is imperative that programs be planned carefully and coordinated well if there is to be effective and efficient use of resources, the Council determined that there is presently a lack of planning for the systematic, long-range development of library services in the State.

E. Financial support...

The Council noted that while staff and materials costs are increasing rapidly, most libraries in North Dakota lack adequate financial support to sustain present--much less improved--modes of operation in the face of these rising costs.

During 1976 the Council continued to study these areas. Studies and reports in specific areas were commissioned; position papers were developed; Council members visited various libraries around the State and attended meetings of professional library groups; and the Council gathered data and opinions in all areas of concern to provide for a

more effective and wide-ranging assessment. The Council also divided itself into subcommittees for discussion and the development of working papers. Based on these investigations and assessments, the Council submits the following recommendations for consideration by the Governor, capsuled in a resolution passed during the Council meeting of December, 1976:

WHEREAS the Advisory Council on Libraries has met the past two years and has had an opportunity to review in detail the needs of the State in regard to public, school, institutional, academic and special libraries and the services they provide to all persons, the Council makes the following recommendations:

- I. That a State plan for providing comprehensive library services to the people of North Dakota be formulated.
- II. That such a State plan shall include objectives to more fully utilize the resources of all libraries in the state to better serve the total population of North Dakota.
- III. That the State plan include a cooperative network for the delivery of services, and will:
 - (A) Consolidate existing services;
 - (B) Support the maintenance and improvement of existing library services;
 - (C) Ascertain budget needs and sources of revenue to implement the plan.
- IV. That the State Library coordinate and implement the State plan as outlined by the State Library Commission in its recommendations to Budget Committee "C" of the North Dakota Legislative Council in response to the "Fridley Report".
- V. That firm recommendations and implementation for such a delivery system be made to the Governor for the 1979-81 legislative session.
- VI. With the approval of the Governor, the State Advisory Council on Libraries be continued to review and evaluate the progress of such a plan.

Following are commentaries on the above points, constituting the essence of this report:

Recommendation I. That a State plan for providing comprehensive library services to people of North Dakota be formulated.

The overwhelming need for a State plan became apparent to the Council during consideration of the various areas of concern. Discussion centered around the appropriate ways that a plan might be formulated, the objectives of a plan, and the way that such a plan might be implemented and monitored. Concern was expressed that the traditional values which fostered the prevalent local control of libraries be carefully considered.

Three alternatives for management of the state-local relationship were proposed for study:

1. No formal controls presently exist between State and local units; rather, there is a balance based on the acceptance or non-acceptance of both LSCA funds and advice by the local libraries. This approximates the status quo, by-and-large.
2. The intermediate unit, or Fridley regional, approach. State money would require State controls of this intermediate unit and local units would not receive direct financial payments, but would receive guidance and support.
3. Giving direct dollars to the local libraries who in turn would form, fund, and control intermediate units out of their own needs seems to be the best approach to Fridley's regional proposal. An example of this approach is vocational schools.

The Council received and considered reports on various constituencies in the State (i.e., Indian population, blind persons, senior citizens). While the Council recognizes that some constituencies may have specific needs as yet unmet, the Council realizes that it is unrealistic to expect that these needs will be met through "special" funding or programs. However, much can be achieved for these persons through a coordinated state program of resource utilization and development.

Recommendation II. That such a State plan shall include objectives to more fully utilize the resources of all libraries in the State to better serve the total population of North Dakota.

An understanding of the objectives of a State plan by all libraries in the State is essential if they are to actively participate in its achievement. The formulation of objectives should be accomplished with feedback from present and potential clients as well as librarians. The Council will work to disseminate information and encourage the participation of librarians and citizens; in effect, a consciousness-raising effort will be undertaken.

Recommendation III. That the State plan include a cooperative network for the delivery of services, and will:

- (A) Consolidate existing services;
- (B) Support the maintenance and improvement of existing library services;
- (C) Ascertain budget needs and sources of revenue to implement the plan.

The Council believes that a cooperative network is necessary to achieve efficiency, as well as effectiveness, in achieving specific goals in the State plan, and has discussed the various possibilities for the organization of such a network. One of the main problems in the creation of such a network is the local control demanded by many communities over the libraries for which they presently provide funding. Further study must be undertaken to determine the most effective and efficient, as well as the most politically-acceptable, form such a network should take. A network cannot be developed unless there is adequate staff in the State Library Commission to develop, refine, and monitor a plan as well as to assist local libraries toward its implementation.

Recommendation IV. That the State Library coordinate and implement the State plan as outlined by the State Library Commission in its recommendations to Budget Committee "C" of the North Dakota Legislative Council in response to the Fridley report.

A coordinated State plan must be administered by an agency that has available the resources that are likely to be required by such a plan. The State Library Commission is the logical agency to do this.

In December of 1975, Budget Committee "C" of the Legislative Council selected Russell Fridley (Director, Minnesota Historical Society) as a consultant to conduct a performance review of the North Dakota State Library Commission. His review analyzed the development, operation, and growth of the State library program. It evaluated the strengths and weaknesses of the State effort and recommended measures needed to meet the challenges of the years ahead. His report is appended hereto (See Appendix A).

Fridley made two major recommendations. The first advised the establishment of regional library service centers, under contract with the State Library, to provide some of the library services performed directly by the State Library. This would, it was said, enable the State Library to devote its resources more effectively in providing statewide library services beyond the scope and ability of local and regional library units. The second major recommendation concerned the statewide coordination of library planning, development, and distribution of services. Mr. Fridley pointed out that the State must expect this role to grow, and that additional funds must be forthcoming for its support. He recommended that the State Librarian formulate such a plan for development and coordination, including a budget, and present that plan to the Governor and appropriate legislative committee for consideration during the 1977 legislative session.

The State Librarian, Richard Wolfert, prepared a response to the Fridley plan, which was submitted to Budget Committee "C", (appended hereto as Appendix B). In this report, Mr. Wolfert states that "while we can concur with this recommendation as a concept and as a component of a long-range plan, we cannot concur that legislation should be introduced and State funds appropriated by the 1977 legislature." He outlines conditions necessary to justify a regional service pattern: evidence of a greater utilization of local resources; less dependency on the State for basic services; less duplication of services among school, public, and academic libraries as a result of the coordination of services; maintenance, in the regions, of at least the present level of services now provided by the State Library; benefits from regional services must be available to all persons in the State; and the relative cost should be no greater than that for the same services under the present arrangement. "Until a plan is developed that will meet these criteria, we do not recommend implementation of this (regional) program." He recommends continuing the present state-local service patterns as the most economical and efficient possible at this time.

Mr. Wolfert suggests that state government policy for library service be based upon this principle: Full Ut ilization of Library, Learning, and Education Resources (FULLER). The Advisory Council endorses the objectives of the FULLER plan:

1. Fuller use of existing library resources and services. This would include all types of libraries: school, public, academic, technical, and special libraries supported by public funds;
2. The establishment of a statewide library borrowers' card so that the individual may freely utilize the resources that are available;

3. Eliminate jurisdictional limitations imposed by the source of funds and special interests;
4. Preserve local autonomy as a political necessity and as a guard against centralized control by the State or Federal government;
5. State coordination of all resource and service developments to ensure an economical and efficient return for the public funds invested.

Broadly, the methods for meeting these objectives would involve State reimbursement grants directly to libraries for extrajurisdictional service costs, State inflation compensation grants indirectly to libraries through revenue sharing programs, and a State agency responsible for the overall development and coordination of library service.

The Council also recognizes the necessity for the establishment of a division of Statewide planning, development, and coordination. The division would be charged with the development of a State plan, and provide assistance to library units of all types to realize the goals and objectives of such a plan. Coordination of the plan would be most effective with statutory powers of control over the state and local units. Recognizing that such control has not yet been granted to a State administrative agency, it is expected that the implementation and results of such a plan would not immediately be apparent.

Through its assessment of library resources, service, and funding in the State the Council has come to a realization that research, data-gathering, and analysis together with ongoing evaluation of a State plan and the programs pursuant to the plan are necessary to ensure effective administration and adequate funding. Accountability must also be expected for funds--State or Federal--given on a grant

basis to local libraries. These projects can be achieved only through an ongoing State agency which has been given the responsibility as well as vested with the authority and resources to establish programs and procedures in these areas and to provide assistance to local libraries toward plan implementation.

June 15, 1977 - val. 9, no 7
NORTH DAKOTA North Dakota State Library
Bismarck, ND 58501

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A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 7

June 15, 1977

MINITEX SERVICE AGREEMENT EXTENDED

The North Dakota/Minnesota MINITEX agreement for the Union List of Serials, reference service, document delivery service, and continuing education has been extended through June 30, 1979. A new edition of the Union List of Serials will become available in July, 1977. Ninety percent of the cost (\$60,000 for two years) will be paid by the college and university libraries and ten percent by the State Library in behalf of public libraries and state agencies.

EVALUATION OF SENIOR CITIZEN PROJECTS

The State Library has contracted with the Bureau of Governmental Affairs, UND, to evaluate Library Services and Construction Act grants to public libraries for special library services to senior citizens.

During the fiscal years 1972-1976, the State Library Commission has awarded some 44 grants to public libraries across the state for projects to meet the needs of senior citizens. These grants totaled some \$166,172. The grants were awarded to numerous public libraries for a variety of projects, including the placing of collections of specially selected books, recordings, and magazines in senior citizen activity centers and housing units, the home delivery of books, and the providing of transportation to existing library facilities for senior citizens.

STATE LIBRARY MICROFICHE CATALOG DISTRIBUTED

A COM (computer output microfiche) catalog of State Library books, films, tape cassettes, filmstrips, video tapes, and state documents has been distributed to college and university libraries and to selected public libraries. It is expected that updates will be available semi-annually. The COM catalog has been a cooperative project by the State Library and the State Central Data Processing Division.

BOOKMOBILE SERVICE EXTENDED TO BARNES COUNTY

Stutsman County Library Board and the Valley City Public Library Board have concluded an agreement to extend the Stutsman County bookmobile service to Barnes County. Barnes County appropriated funds for library service for the first time in FY-77. The State Library Commission will assist the Stutsman County Library to purchase a new bookmobile.

North Dakota State Library
Bismarck, ND 58505

SPRING FROLIC A SUCCESS

The joint North Dakota Library Association/State Library Commission "Spring Frolic" was held at the Bismarck Holiday Inn on May 11-13, 1977. Over fifty librarians attended the sessions. A "Fall Frolic" is planned in conjunction with the NDLA convention in Fargo later this year.

TWO NEW POSITIONS AUTHORIZED FOR STATE LIBRARY

The State Legislature has authorized two new Library Services and Construction Act funded positions for the State Library Commission.

A library planning director and a field librarian are currently being recruited. Job description announcement was mailed to libraries in North Dakota, state libraries, library schools, and ads were placed in national media. Application deadline is September 1, 1977.

PUBCO REACTIVATED AS CRISIS

The old PUBCO Committee of the Public Library Section of the North Dakota Library Association was reactivated by a skeleton committee in order to form a new action group, namely, CRISIS.

This new group will consist of all Public Library Section members who wish to participate, and also asks for such support and encouragement as the other sections of NDLA are inclined to, or can give.

The goal of CRISIS is to evaluate the needs of North Dakota citizens for statewide library service, working for grass-roots support of that service, with the end result of obtaining financial support from the State Legislature at its next session, in cooperation with the North Dakota State Library and the Governor's Advisory Council on Libraries.

STATE PENITENTIARY LIBRARY

The State Penitentiary Library began operating as a branch of the State Library Commission on March 15, 1977. Marilyn Guttromson has been appointed Penitentiary Librarian. The library is open one hour each day. A microfiche catalog of State Library Commission books and A-V materials, improved interlibrary loan and reference service, new books and periodicals have resulted from the branch status.

RECOMMENDED SOURCE

The State Library Commission recommends to North Dakota libraries the American Library Association twice-monthly publication, Booklist. Booklist provides a current guide to materials (books, documents, recordings, filmstrips) worthy of consideration for purchase by small and medium-sized public libraries. Subscriptions are available for \$24 a year from: American Library Association, 50 East Huron Street, Chicago, Illinois 60611.

NORTH DAKOTA UNION CATALOG

The Union Catalog of library materials maintained by the State Library contains listings of books, periodicals, films, filmstrips, LP disc recordings, tape cassettes, and slides held by forty-nine North Dakota public, college, and special libraries.

Periodicals are listed jointly with Minnesota as part of the MINITEX contract. A new edition of the Union List of Serials is scheduled to be available July 1977.

While not all libraries will loan A-V items to other libraries, most libraries do send a main entry card for A-V items to the Union Catalog in anticipation that such items will be available on loan in the future when local conditions permit.

POSTAL RATE INCREASE

Effective July 6, 1977 the postal rates will be as follows:

<u>Library Rate</u>	<u>Now</u>	<u>July 6, 1977</u>
First pound	9¢	11¢
Each additional pound	4¢	4¢
<u>Book Rate</u>		
First pound	25¢	30¢
Each additional pound through 7 pounds	10¢	11¢
Each additional pound	8¢	8¢

HEALTH SCIENCE LIBRARY MEETING

The Fall Meeting of the Midwest Regional Group of the Medical Library Association (MRG/MLA) will be held at the Ramada Inn Convention Center, Champaign, Illinois on September 22-24, 1977, and will be hosted by the Library of the Health Sciences at the University of Illinois at Urbana-Champaign.

The theme for the meeting is "Audiovisuals in the Health Sciences" and will feature a keynote address by Howard F. Langhoff, Associate Professor of General Nursing at the University of Illinois the Medical Center in Chicago, on "Audiovisuals in Teaching: The State of the Art".

Other events scheduled for the meeting include continuing education courses on medical cataloging and the literature of pharmacy, concurrent sessions on beginning and advanced audiovisual management, problem sharing sessions, Midwest Council meeting, and a computer assisted instruction (PLATO) demonstration.

Audiovisual companies have been invited to participate in exhibits, as well as regional librarians who would like to show-and-tell about locally produced software.

Registration information for the meeting will be mailed in late August; until then the planning committee encourages everyone to THINK CHAMPAIGN for the 22-24 of September.

Contact person: Don Moore, Office of Continuing Education for Health Professionals, 302 E. John, Suite 1706, Champaign, Illinois 61820.

BRAILLE COLLECTION

Chester Fritz Library (UND) has acquired a collection of Braille materials from the South Dakota Library for the Blind and Physically Handicapped. The collection includes approximately 300 books on many topics, but predominately fiction and titles popular with young adults. Also included are a few periodicals and adolescent-level books. Items in this collection may be checked out by Grand Forks residents and are also available through interlibrary loan.

STAFF CHANGES AT THE STATE LIBRARY

Beth Ludvigsen, catalog/reference librarian for the State Library resigned March 31 to leave with her husband for Green Bay, Wisconsin. Darrell McNamara has been appointed to fill the vacancy. Darrell is a native of Drake, North Dakota, and has a B.S. degree in Social Science from NDSU; a M.S. degree in History from NDSU; and a M.A. degree in Library Science from the University of Wisconsin in Madison. Mrs. Susan Schneider resigned her position as clerk-typist in the Technical Services division on March 31, and has been replaced by Mrs. Phyllis Jacobs. Mrs. Bernadine Parkman resigned March 11 to move to California, and her position as head of the Circulation Department has been filled by Mrs. Elaine DeBilzan. Marilyn Guttromson resigned her position as state government services librarian on June 30. She will be the librarian for the Legislative Council.

Base Library Rated Best

The base library at Minot AFB has won the 1976 Strategic Air Command Library Publicity Contest.

The library won on the basis of the quality of the scrapbook submission put together by the library staff, according to Loutrell E. Cavin, SAC Library Director.

Base library technician, Edna M. Parish put the scrapbook together from articles supporting library programs and events. These were clipped from publications and newspapers such as the "Sentry" and "The Minot Daily News".

Miss Cavin said that Minot's

scrapbook was the best she had ever seen. The published book reviews and list; regular calendars of events; sponsored dances and choir groups, and planned activities that involved all age levels and interest groups.

The Minot AFB publicity program was managed by Mrs. Geraldine Brosman, base librarian.

Second place in the command went to the library at K.I. Sawyer AFB, Mich., and the Fairchild AFB, Wash., library was third.

The entries from Minot, K.I. Sawyer and Fairchild have

been forwarded for the Air Force Library Publicity Contest. The Air Force contest is part of the John Cotton Damm Library Public Relations Awards Program.

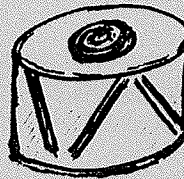
In 1975, Minot's library placed second in the SAC competition and second in the Air Force competition.

-Minot Daily News
March 12, 1977

"IT'S BEEN DOCUMENTED"

Marilyn Guttromson
Government Services Librarian

"...a little 'roll' on the drum..."



"Name That Document!" Correctly match these documents to the following questions and win 100,000 answers. All prizes available through the courtesy of your state government from its voluminous array of resources.

Where might you find tips on lawn, garden, and flower care?

North Dakota Growth Indicators
Business and Industrial Development
Dept., 523 East Thayer, Bismarck, ND
58505. 224-2810

Who are the members of the North Dakota Council on Arts & Humanities?

Guide to Employment Security Bureau
Human Resource Programs
Employment Security Bureau, 1000 East
Divide, Bismarck, ND 58505. 224-2868

Can you explain North Dakota's tax structure?

North Dakota Educational Directory,
1976-1977.
Dept. of Public Instruction, Capitol.
224-2260

Who are the Ward County Commissioners?

North Dakota Educational Facts 1976-77
Dept. of Public Instruction, Capitol.
224-2260

Is there a summary of economic and demographic data for North Dakota?

Bill Status Report: 45th Legislative
Assembly.
Legislative Council, Capitol. 224-2916

What information is available on the issues of obscenity, energy, and public television?

Correspondence Study: A List of Courses
Available at North Dakota Colleges and
Universities.
State Library, Randal Bldg., Hwy. 83 N.,
Bismarck, ND 58505 224-2490

Who is the child support enforcement contact in Dickinson?

The Taxation & Revenue System of State
and Local Governments in North Dakota
Agricultural Experiment Station, NDSU,
Fargo 58102. 237-7654

What is Senator "Buckshot" Hoffner's occupation?

16mm Films: A Catalog of Films Available
on Loan from Governmental Agencies and
Private Organizations in the Bismarck-
Mandan Area
State Library, Randal Bldg., Hwy. 83 N.,
Bismarck, ND 58505 224-2490

"It's Been Documented", cont.

Does UND offer correspondence courses on Norwegian?

List of Publications for the Home and Farm

Cooperative Extension Service, NDSU, Fargo, ND 58102 237-8118

What is the current cost of educating a child in North Dakota?

Directory: State of North Dakota Officials, Boards, and Institutions, 1977
Secretary of State, Capitol 224-2905

What employment and training programs are available to North Dakotans?

Biographical Sketches - 1977 North Dakota Legislature
Bureau of Governmental Affairs, UND, Grand Forks, ND 58201 777-3041

Does tap water in Australia drain counterclockwise?

The Structure of the State: A Compendium of North Dakota State Agencies, Boards, Commissions, and Institutions
State Library, Randal Bldg., Hwy. 83 N., Bismarck 58505 224-2490

Is there a list of schools in Fargo that provides enrollment figures?

Directory: Social Services Board of North Dakota - 33rd edition
Social Services, Capitol 224-2310

What happened to the human rights legislation during the 1977 Session?

A Full File: A Catalog of Library Resources on Governmental Issues
State Library, Randal Bldg., Hwy. 83 N., Bismarck, ND 58505 224-2490

Can you locate a film on the effects of alcoholism?

Federal, State, County, City, and Special District Officials in North Dakota
Bureau of Governmental Affairs, UND, Grand Forks, ND 58201 777-3041

What does the North Dakota Health Department do?

A reference question needing an answer
State Library, Randal Bldg., Hwy. 83 N., Bismarck, ND 58505 224-2490

k - 2
l - 16
m - 3
n - 5
o - 8
p - 12

f - 14
g - 13
h - 11
i - 6
j - 4

a - 9
b - 10
c - 7
d - 15
e - 1

ANSWERS:

Amy Waite New Director Of Library

The newest addition to Jamestown's Alfred Dickey Public Library is the director, Amy Waite.

Ms. Waite hails from Garner, Iowa. That's where she began her career at the age of 12 in the local public library. Following high school graduation, Amy worked for the North Iowa Library Extension in Mason City for two years as bookmobile librarian while studying for and obtaining her associate arts degree from the North Iowa Area Community College.

In December 1976, Amy completed her bachelor of arts degree in general studies at the University of Northern Iowa in Cedar Falls.

The following December, Amy graduated from the University of Iowa graduate program with a master's degree in Library Science. During that year, she was employed as a student assistant in the browsing collection within the university library system and spent one semester as a

practicum student at the Iowa City Public Library.

Since January, Amy has been presenting book-related programs for the North Iowa Area Agency on Aging.

"Books and people — not necessarily in that order," Ms. Waite says are her primary interests. "Although I have only been in North Dakota a short time, I find the natives very friendly and helpful. I look forward to meeting more of the same — and returning the favor."

—JAMESTOWN SUN
April 14, 1977



AMY WAITE

Form library board for Minnewaukan

Last fall, through the efforts of the Timely Topics organization of Minnewaukan, the need to have a city library was established. Timely Topic members canvassed the city residents securing names on petitions requesting that the city of Minnewaukan establish a library. Once the necessary information had been gathered, it was presented to the City Council. In response to the request made by the Timely Topics organization, the City Council established a library board.

During one of their regularly scheduled meetings, the City Council approved the nomination of several area residents to serve on a library board. Members chosen to serve were: Sue Helberg, Joe Dietchman, Stan Franek, Dick Smith and Gayle Cichos.

At the library's first organizational meeting, officers were elected, and a plan of action was established. It is the intent of the board to establish and maintain a library in the city of Minnewaukan, secure necessary materials for the library, to enlist the help of volunteers to maintain the library, and to establish a cataloging system for all reading and related materials which are presently in the Minnewaukan area. In addition, the board plans to utilize the \$800 which is appropriated from the city to buy materials for the library.

The board will meet in regular session on the third Monday of each month at the Memorial Building and the general public is invited to attend these meetings. Any person having any thoughts, comments, or suggestions for the library board, is asked to contact one of the members listed above.

—MINNEWAUKAN PRESS
May 26, 1977

July 22, 1977 - vol 9, no. 8

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FLICKERTALE Newsletter

**LOAN
COPY**

A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 8

July 22, 1977

NOTE: This special issue of Flickertale has been prepared by Dina Butcher

* * * WHITE HOUSE CONFERENCE ON LIBRARIES * * *

Hurrah! Finally a "vehicle" which can give all types of libraries and information resources the visibility and image boost needed! In preparation for a September 1979 White House Conference, North Dakota will have a state conference. Through cooperation with local public libraries, North Dakota Library Association, academic and special libraries, archival units, information service units, the State Library, and, most of all, citizens in North Dakota, these next two years can create the climate for library and information services for the next century!

This issue of the Flickertale provides you with the documentation and background on the national level for the White House Conference on Libraries. By September a steering committee will be working to plan the North Dakota conference. A logo and emblem for the State Conference is being sought. The contest will be announced during the North Dakota Library Association convention September 29, 30, & October 1. As plans develop for local activity and publicity campaigns, the Flickertale and Good Stuff will carry the news. Dina Butcher has accepted the coordinator role and will have an office and phone in Minot starting in September.

Lots of good can come from the thrust of the next two years if resources from the smallest local library to the largest university and state information agencies are mobilized. The main point to remember is: that while the "library family" knows what problems confront them and are sold on the "products" libraries can offer, it's the citizen at large: the legislator, the homemaker, the grocer, the realtor, the laborer - that needs to be made aware.

* * * SUMMARY OF HISTORY OF THE WHITE HOUSE CONFERENCE ON * * *
LIBRARY AND INFORMATION SERVICES

- 1957 Channing Bete of Greenfield, Massachusetts suggested the idea of a White House Conference on Libraries to the American Library Trustee Association when Dr. Bessie Moore was President of ALTA
- 1960's the American Library Association and ALTA proposed a White House Conference on Libraries
- 1956 President Johnson appointed the White House National Advisory Commission on Libraries
- 1968 The final report of the White House National Advisory Commission on Libraries was issued

North Dakota State Library
Bismarck, ND 58505

- 1969 Members of the American Library Trustee Association and Minority Leader Gerald R. Ford met with President Nixon. The President voiced his support of a White House Conference
- July 20, 1970 President Nixon signed into law, Public Law 91-345 establishing the National Commission on Libraries and Information Science as a permanent and independent agency.
- July, 1971 Senate confirmed Presidential appointments to NCLIS
- January 28, 1972 American Library Association passed a Resolution calling for a White House Conference on Libraries to be held in 1974
- January 26, 1973 Senator Claiborne Pell (R.I.) Chairman of the Senate Subcommittee on Education introduced Senate Joint Resolution 40, authorizing the President to call a White House Conference on Library and Information Services. Hearings were held in mid 1973 in the Senate, the Senate passed SJ Res 40 in November of 1973. (Mich)
- In the fall of 1973 House Minority Leader Gerald R. Ford, Congressman John Brademas (Ind) Chairman of the Subcommittee on Select Education, and Congressman Ken Hechler (W.Va.) introduced House Joint Resolutions authorizing the President to call a White House Conference on Library and Information Services. Hearings were held late in 1973.
- January 25, 1974 American Library Association passed a Resolution urging enactment of legislation calling for a White House Conference on Library and Information Services.
- December of 1974 the House passed the White House Conference legislation
- December 31, 1974 President Gerald R. Ford signed the White House Conference legislation into law (PL 93-568)
- April 18, 1975 President Pro Tempore of the Senate, Senator James Eastland appointed four members to the Advisory Committee : Margaret Warden, Great Falls, Montana; Virginia Young, Columbia, Missouri; J.C. Redd, Jackson, Mississippi; John Short, Simsbury, Connecticut. April 29, 1975 Senator Eastland named Senator Jacob Javits of New York.
- May 6, 1975 Speaker of the House of Representatives Carl Albert names five members to the Advisory Committee: Representative William D. Ford of Michigan, Gene Shalit of New York City; Allie Beth Martin, Tulsa, Oklahoma who was later replaced by Esther Mae Henke of Oklahoma City; Jeanne Hurley Simon, Carbondale, Illinois and Michael A. McCarroll, Lexington, Mass.
- May 23, 1975 Dr. Frederick Burkhardt, Chairman, National Commission on Libraries and Information Science appointed Commissioners John Velde, Bessie B. Moore, and Louis A. Lerner to the Advisory Committee
- July 19, 1976 President Gerald R. Ford announced his intention to call a White House Conference on Library and Information Services
- August 30, 1976 President Ford sent to Congress his request for \$3.5 million for a White House Conference on Library and Information Services
- January 17, 1977 President Gerald R. Ford named the following fifteen persons to the Advisory Committee:
- John Chen, Montgomery, Alabama; Walter Curley, Syracuse, New York; Ann H. Eastman, Pittsburg, Pa; Oscar Everhardt, Miami Beach, Florida; Marian Gallagher, Seattle, Washington; Dave Cergen, McLean, Virginia; Donald Gibbs, Newport, Rhode Island; Alice Ihrig, Oak Lawn, Illinois; Kenneth Jernigan, Des Moines, Iowa; Samuel Martz, Nashville, Tennessee; Agnes M. Myers, Denver, Colorado; Edwin B. Parker, Stanford, California; Elizabeth F. Ruffner, Prescott, Arizona; Joseph H. Shubert, Columbus, Ohio; Martha S. Williams, Detroit, Michigan



- March 16, 1977 House passed Fiscal Year 1977 Supplemental budget request which has the \$3.5 million for the White House Conference on Library and Information Services
- March 17, 1977 Senate Appropriations Subcommittee on Labor & Health, Education, and Welfare marked up the FY 1977 Supplemental budget request. The full amount of \$3.5 million was approved.
- May 4, 1977, President Carter signed the fiscal year 1977 Supplemental Appropriation Bill (now Public Law 95-26) which includes funding in the amount of \$3.5 million for the White House Conference on Library and Information Services.

* * * PRESIDENT CARTER APPROVES WHITE HOUSE CONFERENCE FUNDING * * *

On May 4, 1977, President Carter signed the fiscal year 1977 Supplemental Appropriation Bill (now Public Law 95-26) which includes funding in the amount of \$3.5 million for the White House Conference on Library and Information Services. The appropriation passed by Congress and signed by the President includes funds which will be used in support of the state and territorial conferences as well as the National Conference scheduled to be held in September 1979.

The National Commission on Libraries and Information Science, which is responsible for planning and conducting the White House Conference, held an initial meeting in March of the Advisory Committee to the White House Conference for preliminary discussion and recommendations necessary to start the planning process. The actions taken at that meeting, and approved by the National Commission, are:

- (1) That because of the tight budget situation and the need for six meetings of the Advisory Committee, the members of the Advisory Committee agree to accept a daily rate of \$125.00, instead of the allowable limit of \$182.69 under the law;
- (2) That the formula and budget limits developed by NCLIS for grants to states for their conferences be adopted as presented (a base grant of \$10,000 plus 25 percent of the balance of the approved budget);
- (3) That a pre-White House Conference for American Indians living on reservations be authorized. Responsibility for the conference will be assigned to the Department of Interior's Office of Library and Information Services, with the cooperation of the Bureau of Indian Affairs, the National Indian Education Association, and other Indian groups. Funds, in accordance with the adopted formula, would be used to support the conference;
- (4) That the 35-month WHCLIS time schedule, as presented by Mr. Trezza, be approved; and
- (5) That funds not be provided for regional conferences. Joint meetings, as part of individual state conferences, are permissible if appropriately justified and cleared with staff.

In addition, a logo for the White House Conference was adopted. Art work is underway and the logo will be released later.



Public Law 93-568
93rd Congress, S. J. Res. 40
December 31, 1974

Joint Resolution

To authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes.

Contents

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State conferences 2
Conference agenda items 3
Organization and planning .. 4

revised edition May 1977

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

Purpose: Public Law 93-568 states: "The purpose of the White House Conference on Library and Information Services...shall be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public."

- Reasons for the Conference: Public Law 93-568 sets forth the following:
1. Access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government.
 2. The preservation and the dissemination of information and ideas are the primary purpose and function of libraries and information centers.
 3. The growth and augmentation of the Nation's libraries and information centers are essential if all Americans are to have reasonable access to adequate services of libraries and information centers.
 4. New achievements in technology offer a potential for enabling libraries and information centers to serve the public more fully, expeditiously, and economically.
 5. Maximum realization of the potential inherent in the use of advanced technology by libraries and information centers requires cooperation through planning for, and coordination of, the services of libraries and information centers.
 6. The National Commission on Libraries and Information Science is developing plans for meeting national needs for library and information services and for coordinating activities to meet those needs.
 7. Productive recommendations for expanding access to libraries and information centers will require public understanding and support as well as that of public and private libraries and information centers.

Participants in the Conference: Public Law 93-568 states that the Conference will be composed of, and bring together--

1. Representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information service to the public;
2. Representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);
3. Persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services;
4. Representatives of federal, state, and local governments, professional and lay people, and other members of the general public.

Federal Funds: In Public Law 95-26 Congress appropriated \$3.5 million to enable the National Commission on Libraries and Information Science to carry out the White House Conference and assist the states with their own conferences beforehand.

Date of the White House Conference: September 1979.

STATE CONFERENCES
on
LIBRARY AND INFORMATION SERVICES

Assistance to the States: Public Law 93-568 authorizes the National Commission on Libraries and Information Science to make technical and financial assistance (by grant, contract, or otherwise) available to the states and territories to enable them to organize and conduct conferences and other meetings in order to prepare for the White House Conference.

The National Commission is also authorized to prepare and make available background materials for the use of delegates to the state conferences and the White House Conference, and to prepare and distribute reports of the White House Conference and the associated state conferences.

No set format is specified in the legislation for the state conferences.

Purpose of the State Conferences: Members of Congress, librarians, educators, publishers, and library trustees have already made many suggestions for what can and should be accomplished during the state-level conferences. Many more ideas are needed. A few examples follow:

"These state meetings will be designed to insure that the recommendations of the public become a central concern of the White House Conference. Two-thirds of those attending each state conference, therefore, will be citizens not associated with libraries, and one-third of those attending will be from the professional library and information science community.

"The state conferences will force each of the states to evaluate its own library programs and to engage in systematic statewide planning in order to be able to bring to the White House Conference coherent suggestions with respect to the federal role in financing library and information services."

--John Brademas, Member of Congress

"With 50 different initial plans from each of the states, the national conference could use these as a basis of approach. I think that is a good thing. We will see that some flop and some do not. We will learn from it."

--Claiborne Pell, Member of Congress

"I think it would be unwise to do more than suggest to the states some of the issues they should raise in their conferences. I would prefer that each state determine its own priorities and its own needs and then the people at the national level can take all these documents and say what are the common strains that run through them. What are the things that we can address at a national level and what are things that each state can do on its own level."

--Edward G. Holley, Dean, School of Library Science, Univ. of North Carolina

"State conferences are successful and productive precisely because they are part of the ammunition for a national conference. You may be sure that the prospect of a White House Conference will prod the states and localities to sharpen their awareness of the need for library service and of the kind of library services they should expect and support."

--Alice B. Ihrig, Trustee, Village of Oak Lawn, Illinois

"Publishers of all types look forward to participating in the preparatory meetings at state and regional levels. As we approach the threshold of the third century of our national existence, it is imperative that we put all of our knowledge to work."

--Townsend Hoopes, President, Association of American Publishers

AGENDA ITEMSfor the State Conferences and the White House Conference
on Library and Information Services

Many suggestions have been offered for studies that should be made and dialogue that should occur during the preliminary state conferences and at the White House Conference. Many more are needed. A few examples are:

- Needs of library users
- Effective library planning
- Deficiencies in library service
- Support for all types of libraries
- Interlibrary cooperation
- School library/media services
- Postal rates and libraries
 - Library and information service to special groups
 - Audiovisual resources and services
 - Specialized information centers
 - Economic and statistical data on libraries of all types
 - National, state, local and private sector roles in providing library and information services to meet the needs of all the people
 - Equal access to library and information service
 - Multimedia resources and services
 - Education and training for library and information service
- Potential of new technology
- Library automation
- State and local documents
- Intellectual freedom
- Academic and research libraries
- Urban library resources and services
- Depository library programs

A Library and Information Services Fair has been proposed as an event that might be held in conjunction with the White House Conference. To demonstrate available service as well as future possibilities, a stimulating exhibition of innovative resources and equipment--books, print and nonprint audiovisual materials, films, tape cassettes, TV, cable and satellite transmissions and video recordings--should be planned, combining the expertise and experience of authors and publishers, producers and performers, librarians and educators. The public at large would be invited to participate, experimenting with dial access, data transmissions from local libraries, and computer applications. Perhaps the staff of the TODAY SHOW would consider doing their daily news and general information program from the fair site in Washington, D.C. during the week of the White House Conference. Sesame Street and Electric Company could be telecast with live performers and puppeteers available for personal appearances and question-and-answer sessions.

The White House Conference must bring together the collective ideas of all the American people--citizens from all walks of life, parents, businessmen, students, educators, working men and women from all fields and professions--to focus on libraries and how to provide the kinds of information and recreational services that all Americans have a right to expect from their libraries.

Ideas for improving library and information service must first be sought at the local level during preliminary conferences in the states and territories. Then citizen representatives from all the states will join forces at the White House Conference to pool ideas and plans for action.

Many ideas have been offered on what might be accomplished during a White House Conference on Library and Information Services, and many others will be forthcoming as more and more Americans begin to consider how their libraries can better serve their needs. Now is the time to begin thinking and planning for the conference in your state.

ORGANIZATION AND PLANNING FOR THE WHITE HOUSE CONFERENCEAdvisory Committee

Public Law 93-568 specifies that the National Commission on Libraries and Information Science will plan and conduct the White House Conference, with assistance from a 28-member advisory committee to be appointed by the President of the United States (no more than 15 members), the Speaker of the House and President Pro Tempore of the Senate (5 members each), and the Chairman of the National Commission on Libraries and Information Science (at least 3 members). The members of the advisory committee are:

Frederick Burkhardt, of Vermont, chair
 president-emeritus, American Council of Learned Societies

John H.M. Chen, of Alabama
 dean and professor, Alabama State University

Walter W. Curley, of New York
 president, Gaylord Brothers, Inc.

Ann Heidbreder Eastman, of Virginia
 president, Women's National Book Association

Oscar C. Everhart, of Florida
 chief librarian, Miami Beach Public Library

William D. Ford, of Michigan
 U.S. representative

Marian G. Gallagher, of Washington
 professor and librarian, University of
 Washington Law School

David R. Gergen, of Virginia
 free-lance writer & consultant (politics,
 economics, & media)

Donald T. Gibbs, of Rhode Island
 librarian, Redwood Library and Athenaeum

Esther Mae Henke, of Oklahoma
 associate director, Oklahoma Department of
 Libraries

Alice B. Ihrig, of Illinois
 civic & community leader

Jacob K. Javits, of New York
 U.S. senator

Kenneth Jernigan, of Iowa
 director, Iowa Commission for the Blind

Louis A. Lerner, of Illinois
 publisher, Lerner Home Newspapers

Sam J. Martz, of Tennessee
 chair of the board, Memorial Bibles
 International, Inc.

Bessie Boehm Moore, of Arkansas
 executive director, State Council on
 Economic Education

Agnes M. Myers, of Colorado
 librarian, Loretto Heights College

Edwin B. Parker, of California
 professor of communication, Stanford University

J.C. Redd, of Mississippi
 president, J.C. Redd Pest Control

Elizabeth F. Ruffner, of Arizona
 preservationist & civic leader

Joseph H. Shubert, of Ohio
 state librarian

John T. Short, of Connecticut
 regional manager, Coronet Media

Jeanne Hurley Simon, of Illinois
 attorney, former member of state legislature

John E. Velde, Jr., of California
 private business

Margaret S. Warden, of Montana
 state senator

Martha S. Williams, of Michigan
 teacher, Detroit public school system

Virginia G. Young, of Missouri
 chair, Coordinating Board of Higher Education
 vacancy

Tentative Timetable Projected by the National Commission

June-November 1977, initial planning, organize advisory committee, appoint and hire staff, develop planning guidelines for state and national conferences.

December 1977-September 1979, increase staff to assist with state conferences, prepare and distribute program materials, research documents, statistical analyses, hold 56 state/territorial conferences and receive recommendations from each, prepare documentation for national conference, hold White House Conference.

October 1979-April 1980, close out conference activity, write final report, reduce staff, prepare and issue proceedings, publish summary and recommendations, integrate recommendations into ongoing activity of National Commission.

* * * TREZZA OUTLINES TIMING OF WHITE HOUSE CONFERENCE * * *

NCLIS Executive Director Al Trezza reported the tentative timetable prepared by his staff:

Phase 1, June-November 1977. Initial Planning. Organize advisory committee. Appoint and hire staff. Develop planning guidelines and guidelines for state conferences.

Phase 2, December 1977-August 1979. Conferences. Increase staff to assist with state conferences. Prepare and distribute program materials, research documents, study results, statistical analyses. Hold 56 state/territorial conferences and receive recommendations from each. Prepare documentation for national conference. Hold the White House conference.

Phase 3, September 1979-April 1980. Close Out Conference Activity; Write Final Report. Reduce staff. Prepare and issue proceedings, Publish summary and recommendations. Integrate recommendations into ongoing activity of NSLIS.

FINANCING YOUR WHITE HOUSE CONFERENCE

Yes, there is \$3,500,000 in federal funds for the White House Conference process. No, that will not pay all the bills for the state conferences. Each state must find funds to put with the federal grant to finance the holding of an adequate conference.

What is adequate? Each state will determine its own conference plans and elements, but the budget for the event will have to be submitted to the National Commission on Libraries and Information Science before federal funds are distributed. This does not mean that NCLIS will dictate content of the conferences in the state, but it does mean that the conference must be serious in time and content, geared to lay persons and "adequate" to perform the role of serving as a cog in the mechanism which will bring recommendations to national attention in the federal White House Conference.

NCLIS has \$1,040,000 available in grants to states. (\$608,000 goes for expenses of the national conference and \$1,604,000 to administrative costs for the total operation.) Federal funds will be paid out on the following basis:

Population of the State	Base Budget Maximum	Base Grant	25% of Balance
7 to 10 million	\$70,000	\$10,000	\$15,000
3 to 7 million	55,000	10,000	11,250
960,000 to 3 million	40,000	10,000	7,500
Under 960,000	25,000	10,000	3,750

For many states, this will not be enough to run a quality conference. For example, a larger state receiving \$25,000 on an anticipated total budget of \$70,000 would need to contribute \$45,000. Preferring a larger delegation at a state conference might well run the state's contribution to as much as \$100,000.

Where can the extra money be raised?

Fortunately, Library Services and Construction Act (LSCA) funds can be used in support of the state conference. But many states will find it painful to allocate those funds for this purpose when the need for them is so great. States can plan dates that will draw on two years of LSCA funds instead of draining one year's allocation. Or, states can scout for other funds.

Since legislative support of the recommendations of the conference will be needed, legislative monetary backing is a good idea. Legislatures asked for specific one-time support for such a conference are likely to be interested. State associations with good lobbying efforts are in a position to be successful with this method of funding.

If the conference is to be sponsored by the governor or another state official related to libraries, it may find some funds in "contingency" in the official's budget. If not, that high level sponsor may be helpful in directing fund raisers to other sources: foundations, the business community, arts councils and the like.

Foundations abound in most states, and they are seldom tapped by a state library project. Most require formal proposals and a long time span; so get to work promptly. One possibility is to look for local foundations which might be willing to finance one or more delegates' expenses to the state session. Library associations with members scattered about are better candidates than they know for small but cumulatively satisfying contributions.

It's hard work, but productive of more than money, to solicit funds from commerce, industry, political sources, local organizations and benefactors. The local bank which puts up \$500 in support of a delegate is involved in the process. A local library might even spearhead a small fund drive to send off one of its own.

Traditional funding sources can be used. How about donations from publishers and other suppliers, services-in-kind such as printing and use of AV equipment and exhibits?

There are arts and humanities groups which support activities deemed contributory to advancement of culture. Why not your White House Conference?

The various co-sponsoring organizations may be expected to come up with some money, especially to support the planning process. (The Florida Library Association and the Illinois Library Association have budgeted for planning, for example.)

The major requirement for seeking funds is the development of a budget, a set of goals and objectives for the conference and a tempting description of what the conference will do. Armed with these documents, conference planners should not fear the seeking of funds. The funds are there for the spotlight that is the White House Conference.

(Please share with us your methods of financing — and your budgets too.)

—CORNERSTONES, Volume 1, Number 1, June, 1977

How Others Did It — Nebraska

Nebraska held a governor's Conference on Libraries in April, 1976, in the mold of a pre-White House Conference. Statewide hearings on library service were held, with a converted bookmobile, dubbed the Information Powermobile, touring the state to interview 1,403 people. Then 300 delegates gathered in 15 discussion groups, each accepting a "challenge" derived from the hearings.

These Citizen Challenges were precisely stated to arouse recommendations:

1. Libraries need to offer more individualized and specialized services.
2. In general, libraries have done a poor job of making the public aware of library services that are presently available.
3. By definition, libraries are educational institutions but in many cases the public must take the initiative in searching out this educational help.
4. Libraries need to be purchasing more non-book materials and doing more programming with these materials.
5. The financial crisis of libraries relates to such things as old facilities and equipment, underqualified staffing and budget cuts coupled with price increases and inability to provide new services.
6. Because of the number of persons using more than one type of library, libraries must work together to provide effective library service.
7. Libraries may be limiting their effectiveness because of outdated practices.
8. Limited resources continues to be the most mentioned problem facing libraries and the citizens who need these materials.
9. Business and labor informational needs are not being adequately met.
10. The general public wants to be more involved in library planning.

11. More time needs to be devoted to planning library buildings that meet the communities' future needs.
12. Nebraska is a rural state with geographical distances hampering the dissemination of information.
13. Many levels of government presently assume the responsibility for the different types of libraries.
14. Many public service agencies, including libraries, offer similar services; these services need to be combined or coordinated.
15. Libraries are charged with providing materials for all segments of the population.

Discussion questions under each challenge were provided for conference participants, and "charges" were the product of the discussion groups.

For example, Citizen Challenge Two ended with this charge:

"Establish a statewide publicity and public relations program using public and private media; provide a library card for statewide use; sensitize the library staff to the importance of publicity and the need for it; maximize the use of television in publicizing library programs, events and materials; screen potential staff members regarding willingness and ability to promote a positive public image; incorporate print and non-print materials in promoting library services; establish a public relations committee from local citizens who can spearhead a public relations program on the community level; strive to construct a positive and pleasant image through the library's atmosphere, service and decor.

Shirley Flack was conference chairperson and J. Alexi Shuman conference coordinator for the sessions co-sponsored by Governor J. James Exon, the Nebraska Library Association, the Nebraska Educational Media Association and the Nebraska Library Commission.

*—CORNERSTONES, Volume 1, Number 1
June, 1977*

* * * SUGGESTED ITEMS TO PONDER FOR NORTH DAKOTA * * *

1. To establish a statewide library borrower's card, so as to minimize the jurisdictional limitations of local libraries of all types;
2. To more fully utilize existing library and information resources so as to maximize the public's investment in these resources (all types of libraries);
3. To develop a statewide information network, based upon available and forthcoming technology to provide North Dakota citizens ready access to dependable information for decision making.

THAT WHITE HOUSE CONFERENCE AGAIN

By Charles O'Halloran
Missouri State Librarian

I've been reading the Statistical Abstract again and have noticed some figures worthy of library attention and thought:

* In 1974 the average per capita personal income in the United States was \$5,434. This, we are told, is a "measure of current income received from all sources during the calendar year."

* Citizens of seventeen States and of the District of Columbia had per capita incomes in excess of the national average, while citizens in the other thirty-three States had per capita incomes lower than the national average.

* During 1974 federal aid was paid to every one of the States and to the District of Columbia at a national average rate of \$213 per capita.

* The seventeen "wealthy" States and the District of Columbia contained 53.6% of the Nation's population and they received 55% of the federal aid money, at an average per capita rate of \$224.

* The thirty-three "poor" States contained 46.4% of the population and received 45% of the federal aid at an average rate of \$211 per capita, 6% less per capita than the average amount received by the more wealthy States.

One could naively assume that if federal aid is designed to redistribute income; to take from the wealthy and to give to the poor; to assist the poor in improving their lot in life; to aid people in obtaining needed services, like libraries, which they simply cannot have otherwise, any State with personal income above the national average ought not to receive any federal aid and only those States with below average income should be helped by the federal government.

For example, if all of the federal aid currently going to "wealthy" States like Connecticut, Illinois, New York, California, or Massachusetts were to be diverted to poor states like Alabama, Mississippi, or Arkansas, more equalization and a higher degree of social justice might be achieved.

However, since the wealthy States not only receive their proportionate share of the federal aid - in respect to population - plus a little more, while the poor States receive not quite their share of this aid, one must conclude that something other than redistribution of wealth and a concern for social justice must govern allocations of federal money.

If a State is wealthy, at least as compared to the national average, one might think that that State could well afford to finance its own schools and libraries; to build its own highways; to care for its needy; to assist its unemployed; generally to care for its people's needs without federal assistance.

But, would that State voluntarily do these things?

If wealthy Californians or New Yorkers were expected to be totally responsible for their public libraries, would they necessarily finance them adequately; and would they provide the kind of financing that is presently available to these States through the Library Services and

Construction Act?

It may be that, given the overwhelming taxing power of the federal government, federal grant programs exist as means not for redistribution of money, but for funding programs in ways and at levels which, whether because of poverty, or, in the case of a wealthy State, because of a lack of interest, the people of a State would not adopt and favor, if they had a choice.

Perhaps the Congress, in the creation and funding of federal grant programs, can take a cosmic view of the present and future needs of the American people; a view to be contrasted to the narrow, benighted, short-sighted and parochial ideas of State legislatures, of city or county governments, or of the people themselves.

Furthermore, the Congress has access to vast armies of experts who can speak knowingly of the people's needs and of the necessity for federal action; while lower levels of government and the people themselves have only their limited and probably distorted notions about human need in this vastly complex society.

Sometime in the next year or so we will be having a White House Conference on Libraries and Information Services, designed, I assume, to make statements and recommendations on the federal role in library affairs in future years. I would think that this conference could well include in its considerations all of the following:

* What should be the role of the federal government in those States where income is low and in which library development may be difficult, if not impossible?

* Does the federal government have any role to play in library development in those States where wealth is great enough that the State could, if it chooses, maintain excellent libraries with no outside assistance?

* How can the wishes of the people regarding their libraries be communicated to the Congress in ways other than the well-intentioned but nevertheless tunnel-visioned pronouncements of library professionals?

* How shall we present to the Congress a model of library service for the United States which includes not simply the aspirations of the professional library leadership but matters like the people's actual, and not presumed, desires for library services; the disparities of wealth among the States; the relative importance of library service in the array of benefits that people might expect from government; libraries and inflation; libraries and deficit spending; and, perhaps most important of all, the relationship between services provided by government, e.g., libraries, and the erosion of freedom.

Would that a White House Conference on Libraries could come to grips with these kinds of issues!

(If you agree, you could pass the word.)

- from SHOW-ME LIBRARIES
Volume 28, Number 6
March, 1977

August 15, 1977 - vol 9 - no. 9

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Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 9

August 15, 1977

* * * DIRECTORY OF NORTH DAKOTA LIBRARIES * * *

ASHLEY 58413	<u>Ashley Public Library</u> Mrs. Bruce McShane, Librarian	None
BEACH 58621	<u>Golden Valley County Library</u> Mrs. Frances Kress, Librarian	872-4627
BELCOURT 58316	<u>Belcourt Public Library</u> Marlin Belgarde, Librarian	477-3364
BEULAH 58523	See <u>Riverdale, McLean-Mercer Regional Library</u>	
BISMARCK 58501	<u>Bismarck Hospital School of Nursing</u> 613 E. Rosser Avenue Mattie Hamery, Librarian	223-4700 Ext. 271
	<u>Bismarck Junior College</u> Mrs. Lois Engler, Librarian Miss Carol Moreland, Asst. Librarian	223-4507
	<u>Mary College Library</u> Apple Creek Road Mrs. Cheryl Bailey, Librarian Sister Mary Gefre, OSB, A-V Coordinator Sister Leonelle Reinart, OSB, Cataloging	255-4681 Ext. 502
	<u>N.D. Legislative Council Library</u> State Capitol Miss Marilyn Guttromson, Research Librarian	224-2916
	<u>N.D. State Department of Public Instruction</u> State Capitol Mrs. Patricia F. Herbel, Director of Library Services Sam R. Lacher, A-V Consultant	224-2281 224-2289
	<u>N.D. State Health Department Library</u> State Capitol Bernadine Cervinski, Librarian	224-2367
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BISMARCK (cont.)	<u>N.D. State Historical Society</u> Research & Reference Division Liberty Memorial Building, Capitol Grounds Frank E. Vyzralek, Archivist Lyle Nelson, Research Associate Miss Connie Sylvester, Research Asst. Melinda Tetzloff, Research Asst. Lavern Larson, Microfilm Technician Bill Leingang, Photo Curator Larry Remele, Historian-Editor	224-2668
	<u>N.D. State Library Commission</u> Randal Building, Highway 83 North	224-2490
	Richard J. Wolfert, State Librarian	224-2492
	Darrell K. McNamara, Acting Chief, Library Services	224-2490
	Betty Sprynczynatyk, Reference	
	Dina Butcher, WHCOLIS Coordinator	852-4980
	Terry Beckler, State Documents	
	Thelma Buchert, Audio-Visual	
	Elaine DeBilzan, Circulation	
	Mary Lou Norton, Circulation	
	Mildred Johnson, Union Catalog	
	Mildred Nelson, Union Catalog	
	Alice Schafer, Technical Services	
	Arlene Stocker, Acquisitions	
	Donald G. Wald, Administrative Assistant	224-2492
	Shirley Ziegler, Secretary	224-2492
	Alice Dewald, Bookkeeper	224-2492
	<u>N.D. State Social Service Board</u> State Capitol	224-2339
	Miss Pam Poulsen, Librarian	
	<u>N.D. Supreme Court Law Library</u> State Capitol	224-2227
	Elmer Dewald, Librarian	or 224-2229
	<u>Quain & Ramstad Clinic (S.W. AHEC)</u> 221 N. 5th Street	222-5390
	Mrs. Harriet Kling, Librarian	
	<u>St. Alexius Hospital</u> 311 N. 9th Street	223-5000
	Mrs. Mary Harkness, Librarian	Ext. 1096
	<u>Veteran's Memorial Public Library</u> 520 Avenue A East	223-4267
	Thomas T. Jones, Director	
	Mary Jane Chaussee, Asst. Director	
	Darrel Hildebrant, Program Coordinator	
	Marie Gilchrist, Bookmobile Librarian	
	Mrs. Evelyn Connor, Circulation Services	
	Mrs. Alice Miller, Regional Library Planning Coordinator	
BOTTINEAU 58318	<u>N.D.S.U. - Bottineau Branch</u> Wendal J. Cushing, Librarian Mary Thorleifson, Asst. Librarian	228-2277



BOWMAN 58623	<u>Clara Lincoln Phelan Memorial Library</u> Mrs. Clara D. Brown, Librarian	523-3797
CARRINGTON 58421	<u>Carrington City Library</u> Mrs. Blanche Stangeland, Librarian	652-3921
CARSON 58529	<u>Carson Public Library</u> Mrs. Mabel Danzeisen, Librarian	None
CASSELTON 58012	<u>Casselton Public Library</u> Mrs. Orville Mattson, Librarian	347-4861
CAVALIER 58220	<u>Cavalier Public Library</u> Mrs. Carl A. Berg, Librarian	265-8952
COOPERSTOWN 58425	<u>Griggs County Library</u> Mrs. Marjorie Larson, Librarian Mrs. Amy Winning, Asst. Librarian	797-2214
CROSBY 58730	<u>Divide County Library</u> Mrs. Ruth Ralph, Librarian	965-6305
DEVILS LAKE 58301	<u>Carnegie Public Library</u> Daniel R. Koper, Librarian	662-2220
	<u>Lake Region Junior College Library</u> Mrs. Donna Matter, Librarian Virginia Thorlasius, Asst. Librarian	662-4951 Ext. 42
	<u>School for the Deaf Library</u> 14th & 1st Avenues Vernon Johnson, Librarian	662-5113
DICKINSON 58601	<u>Dickinson Public Library</u> 139 3rd Street West Mrs. Cheryl Drury, Librarian Betty Huber, Children's Librarian	225-2162
	<u>Dickinson State College</u> Stoxen Library Bernnett Reinke, Director James Martz, Acquisitions Mrs. Louise Pearson, Cataloger Claudia Fisher, Library Technician Eileen Kopren, Circulation	227-2136
	<u>St. Joseph's Hospital Library</u> Mrs. Alice Stranik, Librarian	225-6771 Ext. 267
DRAKE 58736	<u>Drake Public Library</u>	None
EDGELEY 58433	<u>Edgeley Public Library</u> Mrs. Ruth Evert, Librarian	493-2769
	<u>South Central Area Library</u> Mrs. Ruth Evert, Librarian	493-2769
ELLEDALE 58436	<u>Ellendale Public Library</u> Mrs. Agnes Martinson, Librarian	349-4072

ELLENDALE (cont.)	<u>Trinity Bible Institute</u> Fred J. Graham Library Mrs. Esther Zink, Librarian	349-3408
ENDERLIN 58027	<u>Enderlin Municipal Library</u> Mrs. Donn Larson, Librarian	437-4911
FARGO 58102	<u>Dakota Clinic Library</u> 1702 S. University Drive Mrs. Shirley Iken, Librarian	235-0531 Ext. 330
	<u>Fargo Public Library</u> 102 North 3rd Street Richard C. Waddington, Manager Jerome D. Lamb, Asst. Manager Katherine Rogne, Bookmobile Librarian Leslie Hagemester, Children's Librarian Mrs. Beverly A. Rogers, Circulation William C. Buck, Cataloger Steve Hubbard, Reference & Interlibrary Loan	235-7567
	<u>The Neuropsychiatric Institute Library</u> 700 1st Avenue South Barbara Gallucci, Librarian	235-5354 Ext. 74
	<u>North Dakota State University Library</u> University Station K. L. Janeczek, Director of Libraries Patricia Schomer, Coordinator, Library Resources Development David F. Reed, Head, Reference Department Dr. Hans Zenner, Head, Catalog Department and Acting Head, Serials Department Mrs. Beverly Brkic, Senior Cataloger Mrs. Aileen Buck, Reference Miss Kathryn Hollenhorst, Reference & Documents Phyllis Nelson, Catalog Librarian Michael Miller, Reference & Instructional Services John Bye, Asst. Archivist James Robbins, Serials Librarian Richard Barton, Systems Librarian Mrs. Karen Pedersen-Vogel, Reference Librarian	237-8876
	<u>St. John's Hospital Library</u> 510 S. 4th Street Benita Engelhart, Medical Records Administrator	232-3331
	<u>St. Luke's Hospital Library</u> 5th Street & Mills Avenue Miss Marcia Stephens, Librarian	293-8571
	<u>St. Luke's School of Nursing Library</u> 736 N. Broadway Mrs. Lucretia Woolwine, Librarian	293-8684
	<u>Sacred Heart (Convent)</u> Highway 82 South Sister Marie Phillip, Librarian	237-4857
	<u>State Film Library</u> University Station Lillian M. Wadnizak, Librarian	237-8907

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FINLEY 58230	<u>Finley Public Library</u>	None
FORMAN 58032	<u>Forman Public Library</u> Mrs. Dorothea Nelson, Librarian	None
FORT YATES 58538	<u>Sioux County Library</u> P. O. Box 102	854-2121
	<u>Standing Rock Tribal Library</u> Margaret Teachout, Coordinator	854-2901 Ext. 2
GACKLE 58442	<u>Gackle Public Library</u> Mrs. Alvin Hummel, Librarian	None
GARRISON 58540	See <u>Riverdale, McLean-Mercer Regional Library</u>	
GLEN ULLIN 58631	<u>Glen Ullin Public Library</u>	348-3683
GRAFTON 58237	<u>Carnegie Bookmobile Library</u> Mrs. Ora Stewart, Director Mrs. Mary Cyr, Reference Mrs. Irene P. Walters, Children's Librarian	352-2754 Toll Free Number 1-800-342-4906
	<u>Grafton State School Library</u> Don E. Watson, Administrator	352-2140
GRAND FORKS 58201	<u>Grand Forks Energy Research Center Library</u> P. O. Box 8213, University Station Mrs. Vicki Duncan, Librarian	775-4207
	<u>Grand Forks Public Library</u> 2110 Library Circle Dennis Page, Director Mrs. Elaine Strand, Reference Margaret Bandy, Reference Gregory Austreng, Circulation Penny Wedin, Mail Order Amy Garrison, Children's Librarian Mrs. Bette Brevik, Interlibrary Loan	772-8116
	<u>United Hospital Library</u> 1200 S. Columbia Road Marjorie Davis, Librarian	780-5146
58205	<u>U.S. Air Force Institute of Technology</u> AFIT Library Det. 12 Grand Forks Air Force Base Cynthia Iverson, Librarian	594-6366

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	<u>UND - Chester Fritz Library</u> Edward S. Warner, Director of Libraries Sherman L. Hayes, Asst. to the Director Candace Walker, Public Services Librarian Joan Hubbard, Coordinator, Acquisitions Section Mary Scott, Public Services Librarian Anita Wasik, Coordinator, Serials Section Betty Gard, Coordinator, Reference Section Dorothy Pulkrabek, Public Services Librarian Shelby Harken, Coordinator, Catalog Section Karen Holte, Technical Services Librarian Patricia Berntsen, Coordinator of ERIC Center Ivan Opp, Public Services Librarian Daniel F. Rylance, Archivist & Curator, Libby Manuscript Collection Mary Klave, Coordinator, Circulation Section Joan Cheney, Public Services Librarian Adelaura O'Connell, Interlibrary Loan Section Janice Bolstad, Library Secretary Amy Cohen, Public Services Librarian Edward C. Oetting, Asst. Curator of Manuscripts	777-2617
	<u>UND - Thormodsgard Law Library</u> Roger V. Becker, Director Patricia Folkestad, Associate Director Barbara Hanson, Associate Director Don Olson, Associate Director	777-2204
	<u>UND - Harley E. French Medical Library</u> Charles Bandy, Director Lorraine Ettl, Circulation, Reference Librarian Lila Pedersen, Technical Services Librarian Leone Rodningen, Interlibrary Loan Librarian Linda Axdahl, Library Secretary Judith Schumacher, Technical Services Asst. Connie Strand, Public Services Asst. Hilda Stokes, Interlibrary Loan Asst.	777-3893 777-3993 777-3993 777-3993
HANKINSON 58041	<u>Hankinson Public Library</u> Mrs. Edwin Roeder, Librarian	242-7929
HARVEY 58341	<u>Harvey Public Library</u> 520 Lincoln Avenue Mrs. Marlene Ripplinger, Librarian	324-1156
HAZEN 58545	See <u>Riverdale, McLean-Mercer Regional Library</u>	
HETTINGER 58639	<u>Adams County Library</u> Mrs. Claude Marion, Librarian	567-2741
HOPE 58046	<u>Hope City Library</u> Sandy Kainz, Librarian	945-2461

JAMESTOWN 58401	<u>Alfred Dickey Public Library</u> 105 Third Street SE Amy Waite, Librarian Mrs. Eleanor Glenney, Children's Librarian Mrs. Norma Richardson, Cataloger Mrs. Elsie Weber, Circulation Mrs. Mary Simmons, Interlibrary Loan	252-2990
	<u>Jamestown College</u> Raugust Library Harold Kelly, Director Daniel Paquette, Asst. Librarian DeElta Moss, Circulation Lois Swanson, Cataloger - Interlibrary Loan Ruth Anderson, Acquisitions	253-2525
	<u>North Dakota State Hospital - Health Science Library</u> Mrs. Laurie Reule, Librarian Mrs. Denise Pahl, Library Technician Mrs. Peggy Renk, Library Technician	253-2679
	<u>North Dakota State Hospital - Patient's Library</u> Box 476 Mrs. Lorraine Domek, Librarian Mrs. Allura Sortland, Library Clerk Bernard Ibes, Library Clerk, Adolescent Library	253-2678 253-2769
	<u>Northern Prairie Wildlife Research Center Library</u> P. O. Box 1747 Mrs. Ell-Piret Multer, Librarian Wanda Anderson, Library Technician	252-5363
	<u>Stutsman County Library</u> 502 10th Avenue SE Mrs. Leona Daede, Librarian	252-1531
	<u>North Dakota Farmers Union Library</u> 1415 12th Avenue SE Mrs. Myra Spilde, Librarian	252-2340 Ext. 336
KENMARE 58746	See <u>Minot, Ward County Library</u>	
KILLDEER 58640	<u>Killdeer Public Library</u> Sylvia Erickson, Librarian	764-5314
LAKOTA 58344	<u>Lakota City Library</u> Box 307 Mrs. Joanne Brown, Librarian	None
LaMOURE 58458	<u>LaMoure School and Public Library</u>	883-5086
LANGDON 58249	<u>Langdon Public Library</u> Mrs. E. J. Donovan, Librarian	None
LARIMORE 58251	<u>Edna Ralston Public Library</u> Mrs. Delores Knutson, Librarian	None

LEONARD 58052	<u>Watts Free Library</u>	None
LIDGERWOOD 58053	<u>Lidgerwood City Library</u> Mrs. Alice Biewer, Librarian	538-4084
LINTON 58552	<u>Harry L. Petrie Public Library</u> 120 East Hickory Mrs. Albert Wenzel, Librarian	None
LISBON 58054	<u>Lisbon Public Library</u> Box 569 Mrs. Lola Quam, Librarian	683-5174
MANDAN 58554	<u>Mandan Public Library</u> Cleo Halm, Acting Director	663-3255
	<u>Morton County Library</u> 300 1st Street NW Mrs. Ann Rebenitsch, Librarian	663-6133
	<u>N.D. Memorial Mental Health & Retardation Center Library</u> Mrs. Gary W. Wilkinson, Librarian	663-6575
	<u>N.D. State Industrial School Library</u> Box 548 Mrs. Jeannette L. Holm, Librarian	663-9523
	<u>U.S. Northern Great Plains Research Center Library</u> Box 459 Mrs. Helen Bullinger, Librarian	663-6448 Ext. 7
MAYVILLE 58257	<u>Mayville Public Library</u> Mrs. Marcus Moen, Librarian	786-3388
	<u>Mayville State College Library</u> Miss Clenora Quanbeck, Director Mrs. Betty Karaiam, Cataloger Mrs. Margit Eastman, Acquisitions	786-2301 Ext. 263
MILNOR 58060	<u>Clara Satre Memorial Library</u>	None
MINOT 58705	<u>Minot Air Force Base Library</u> Building 138 Mrs. Geraldine Brosman, Librarian	727-4761 Ext. 3344 or 3406
	<u>Minot Public Library</u> 516 2nd Avenue SW Jerry Kaup, Director Janeice Hiatt, Adult & Reference Services Flora Barber, Cataloger Betty Charley, Children's Librarian Melody Kuehn, Area Services Librarian Darlene Stultz, Circulation & Special Services	852-1045

NEW TOWN 58763	<u>New Town Public Library</u> Box 517 Mrs. Herbert J. Wilson, Librarian	627-4741
NORTHWOOD 58267	<u>Northwood City Library</u> Linda Tinderholt, Librarian	None
OAKES 58474	<u>Oakes School & Public Library</u> Mrs. Doris Hankel, Librarian	742-3234
PARK RIVER 58270	<u>Park River Public Library</u> Mrs. Art Erovick, Librarian	284-6116
PARSHALL 58770	<u>Parshall Public Library</u> Mrs. John Risan, Librarian	862-3466
PEMBINA 58271	<u>Pembina Public Library</u>	None
RICHARDTON 58652	<u>Assumption Abbey Library</u> Brother Paul Nyquist, Librarian	974-3315
RIVERDALE 58565	<u>McLean-Mercer Regional Library</u> Box 505 Miss Judy Welk, Librarian Roberta Steckler, Asst. Librarian	654-7652
<u>McLean-Mercer Regional Library Branches</u>		
	<u>Beulah Women's Club Library</u> 22 N. Central Avenue, Beulah 58523 Mrs. Charles R. Thelander, Sr., Librarian	873-4637
	<u>Garrison Public Library</u> City Auditorium, Main Street, Garrison 58540 Mrs. Don Zimmerman, Librarian	None
	<u>Hazen City Library</u> Mrs. Herb Oster, Librarian, Hazen 58545	None
	<u>Washburn City Library</u> Washburn High School, Wahsburn 58577 Mrs. Gerald B. Schwarz, Librarian	462-3221
ROLETTE 58366	<u>Rolette Public Library</u>	None
ROLLA 58367	<u>Rolla Public Library</u> Mrs. Hazel E. Kyle, Librarian	None
RUGBY 58368	<u>Heart of America Library</u> Mrs. Alyce Rasmussen, Librarian	776-6223
STANLEY 58784	<u>Linson Memorial Library</u> Mrs. Bess Ellis, Librarian	628-2939
STEELE 58482	<u>Kidder County Library</u> P. O. Box 43 Mrs. Mary Fredrickson, Librarian	475-2855

TIOPA 58852	<u>Tioga Community Library</u> Mrs. Joyce Guttormson, Librarian	664-3627
TURTLE LAKE 58575	<u>Turtle Lake Public Library</u> Mrs. Jessie M. Clark, Librarian	None
UNDERWOOD 58576	<u>Underwood Public Library</u> Mrs. Lester Zietz, Librarian	442-5269
VALLEY CITY 58072	<u>Valley City Public Library</u> 410 N. Central Avenue Mrs. Val Licha, Librarian Mrs. June DeKrey, Children's Librarian	845-3821
	<u>Valley City State College Allen Memorial Library</u> Mrs. Lillian Jacobson, Head Librarian Mrs. Carole Jefferson, Curriculum Librarian Miss Anne Haugeard, Circulation & Reference	845-7276
VELVA 58790	<u>Velva School & Public Library</u> Mrs. Iris Swedlund, Media Specialist	338-3151
WAHPELON 58075	<u>Leach Public Library</u> 417 2nd Avenue N. Mrs. Helen Lindberg, Librarian	642-5732
	<u>N.D. State School of Science Mildred Johnson Library</u> Jerald Stewart, Head Librarian Layton Prosser, Reference Librarian Mrs. Jeanne Swartz, Interlibrary Loan Librarian Mrs. Mary Kroshus, Cataloger Mrs. Gloria Dohman, Periodicals Librarian Steve Krohn, Audio-visual Coordinator Mrs. LuAnn Cogliser, Circulation	671-2674
WALHALLA 58282	<u>Walhalla Public Library</u> Mrs. Leonard Tetrault, Librarian	None
WASHEURN 58577	See <u>Riverdale, McLean-Mercer Regional Library</u>	
WATFORD CITY 58854	<u>Watford City Public Library</u> P. O. Box 426 Mrs. Lillian G. Piper, Librarian	842-3785
WEST FARGO 58078	<u>West Fargo Public Library</u> 401 7th Street East Miss Miriam Arves, Librarian	282-0415
WILLISTON 58801	<u>James Memorial Library</u> Mrs. Cynthia Schaff, Librarian Mrs. Janet Gubrud, Children's Librarian	572-9751
	<u>UND-Williston Center - N.D. Masonic Memorial Library</u> Box 1326 Mrs. Diane Clay, Librarian Mrs. Jane McMillan, Library Asst.	572-6736

WILLISTON (cont.)	<u>West Plains Rural Library</u> 1404 2nd Avenue West Mrs. Anne Lassey, Librarian	572-2811
WISHEK 58495	<u>Wishek Public Library</u>	None

Libraries operated by elementary and secondary public and non-public schools can be located by consulting the NORTH DAKOTA EDUCATION DIRECTORY, published by the State Department of Public Instruction, State Capitol, Bismarck, North Dakota 58505

September 1, 1977 - vol 9, no. 10

430-77-1352-08

North Dakota State Library
Bismarck, ND 58501

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Newsletter



**LOAN
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A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

RICHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 10

September 1, 1977

"IT'S BEEN DOCUMENTED"

Marilyn Guttromson
Government Services Librarian

Effective July 1, 1977, North Dakota will have a new state documents law redefining responsibilities of both state agencies and the State Library Commission in the operation of the depository network.

54-24-09. The state purchasing and printing agent shall arrange to deposit with the state library commission eight copies of all publications issued by all executive, legislative, and judicial agencies of state government intended for general public distribution. These publications shall be provided to the state library commission without charge. Should expense and limited supply of state publications, particularly audio-visual items, make strict compliance with the depository requirement impossible, the state library commission shall accept as many copies as an agency can afford to provide. However, no less than two copies shall be provided to the state library commission by each agency. State publications refer to any informational materials regardless of format, method of reproduction, or source, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency. The definition incorporates those publications that may or may not be financed by state funds but are released by private bodies such as research and consultant firms under contract with and/or supervision of any state agency. In circumstances not directly involving the state purchasing and printing agent, a state agency shall comply with the depository requirement by arranging with the necessary parties for the printing and deposit of eight copies of any state publication issued. State publications are specifically defined as public documents appearing as reports, directories, statistical compendiums, bibliographies, laws or bills, rules, regulations, newsletters, bulletins, state plans, brochures, periodicals, committee minutes, transcripts of public hearings, other printed matter, audio tapes, video tapes, films, filmstrips, or slides, but not those administrative or training materials used only within the issuing agency. As the document acquisition and distribution agency, the state library commission shall retain for its own use two copies of every state document received and transmit the remaining copies to the depository libraries. These shall be the libraries of the state historical society, the university of North Dakota, North Dakota state university, the Library of Congress, and two others to be designated by the state library commission. All non-depository North Dakota academic, public, and special libraries shall have the opportunity to receive state documents under an optional selection program developed by the state library commission. The state library commission shall catalog state publications and arrange for their conversion to microform and shall make available for distribution the same to the designated depository libraries.

In summary, North Dakota Century Code 54-24-09:

(1) improves access to state publications by centralizing their initial entry into the depository network. Since the 1965 inception of the state document program, the State Library relied entirely upon each individual state agency for actual physical input. That dependence created the frequent problem of tracking documents through a chance request or newspaper reference. Important documents simply were not being channeled to the State Library. As a logical remedy, the '77 legislation authorizes the state printer, whose office handles the bulk of the state's printing orders, to arrange for the deposit of documents. In this way state agencies will be continually reminded of their obligation; the flow of documents to the State Library should be much more systematic and dependable.

(2) precisely defines state publications thereby eliminating confusion in determining what constitutes a "document." Categories including audio-visuals were specifically listed to broaden the concept of and support better access to documents.

(3) streamlines the depository network. Considering the number of documents issued, their often technical and limited appeal, and increasing problems of storage and retrieval, maintenance of eleven depository libraries would be unrealistic in terms of demand. The number has been reduced to seven. Preservation, direct and loan access to all documents remains a guarantee of the network. In addition to those named by statute, the other two designated depositories are Minot State College Memorial Library and Dickinson State College Stoxen Library. All depositories received the Administrative Manual for North Dakota State Document Depository Libraries which establishes the rationale for the network and defines the role of libraries in it. Copies are available upon request to the State Library.

(4) establishes the legal basis for an optional selection program to encourage increased awareness and use of state documents. Under this arrangement, the Monthly Checklist of documents received by the State Library will be routinely mailed to all non-depository academic, public, and special libraries. On special ordering forms, each library can request documents directly from the issuing agencies. While free to obtain and dispose of documents according to their own needs, libraries still retain the option of borrowing documents from the State Library.

Our state produces a great deal of practical information to which librarians have direct access. It is our professional responsibility to become familiar with state document resources. The 1977 legislation was designed to assist in that cooperative effort.

For your consideration:

North Dakota Outdoors, Game & Fish Department, 2121 Lovett Avenue, Bismarck, 58505 224-2180.

The March issue carries an article, "Black Gold" by Bill Lynott, pages 6-11, describing federal-state evaluation efforts at determining the environmental impact of strip mining in western North Dakota. In discussing the controversial subject of reclamation, the author identifies the basic problems that retard soil productivity.

North Dakota 1977 Official Highway Map, Travel Division, Highway Department, Capitol Grounds, Bismarck 58505. 224-2525.

Tuck the map under your arm, turn off your library lights, and head out into the "West of song and legend." Ya Hoo!



"IT'S BEEN DOCUMENTED", (cont.)

Crime Watch on Wheels: How to Protect Your Car, Bicycle, Motorcycle, and Other Vehicles from Theft.

What to Do Before the Burglar Comes.

Law Enforcement Council, Box "B", Penitentiary Grounds, Bismarck, ND 58505.

As part of the North Dakota Crime Watch program, these pamphlets suggest practical ways of protecting one's property from theft. Alert your community's citizens groups and students to their availability. They're a steal (for free).

The Taxation and Revenue System of State and Local Governments in North Dakota. Stanley Voelker, Fred Taylor, and Thomas Ostenson. 1976.

Agricultural Experiment Station, NDSU, Fargo, 58102 237-7654.

In systematic manner this report explains North Dakota's tax structure including state aid to local governments. Among numerous tables are those denoting revenue generated by the property tax, the income tax, and the coal severance tax. Pick this document up for those inquiries about the operation of our tax system.

Index to Mary Ann Barnes Williams' Origins of North Dakota Place Names. Janice Liddle, 1976.

North Dakota Institute for Regional Studies, NDSU, Fargo, 58102. 237-8338

In using Origin of North Dakota Place Names you recall its arrangement by county and your frustration searching for a city or place particularly if the object of the hunt no longer exists. Now with this index that cites references to both place names and individuals the problem has been eliminated. If you're looking for another trouble to replace this one, call me.

West of the Red: The Role of Transportation in the Development of North Dakota. Richard Schneider, 1976.

Upper Great Plains Transportation Institute, NDSU, Fargo, 58102. 237-7767.

This paperback investigates the interrelated development of railroads, steamboats, trucks, and other forms of past and modern transportation with the corresponding growth of agriculture and other industry. The book is written primarily in terms of our social and political history.

Annotated Bibliography: Education of Gifted Children.

Special Education in North Dakota: Personnel Serving Exceptional Children.

Director of Special Education, Department of Public Instruction, State Capitol, 11th Floor, Bismarck, 58505. 224-2277.

In the first publication, books both on the subject of education of the gifted and those geared specifically to teachers are discussed. The second document, a directory, lists counselors, teachers, evaluators, and other special education staff and service agencies that assist North Dakota's exceptional children such as those with learning disabilities, the mentally handicapped, and the gifted.

"IT'S BEEN DOCUMENTED", (cont.)

NoDak New Days: Older Americans Activities Directory - 1977.

Aging Services, Social Service Board, State Capitol, Bismarck, ND 58505. 224-2577.

Refer your senior citizens and their families to this reference for a summary of major activities and services sponsored by public and private agencies and clubs in North Dakota communities. The directory also reviews services provided to the elderly by state agencies and other organizations.

* * * * *

Library Merger Celebrated

Merger of the Cooperstown Public Library with the Prairie Bookmobile Library into the Griggs County Library is complete, after two years of work, and the fact was celebrated June 17.

A noon luncheon was served in the library by members of the library board. Guest of honor was Mrs. Nora Mohberg, retired librarian. Mrs. Mohberg came to Cooperstown in 1969 with the rural library services demonstration which led to the establishment of the Prairie Bookmobile Library. Since retiring as librarian she has resided in Cooperstown. She recently announced plans to move to Wahpeton.

Orville Tranby, library board president, was master of ceremonies.

State Librarian Richard Wolfert, Bismarck, spoke to the group and emphasized the need for continued and increasing financial support for library operations, pointing out that inflation has hit libraries hard and that an income sufficient for present needs may be too small in the future.

Mr. Wolfert noted that there is a lot of work to be done yet in developing libraries in North Dakota. Thirty counties out of the 53 in the state do not have libraries, and of North Dakota's 360 towns, only 60 have libraries.

"The difference between communities with good libraries and those without is not that one has more money than the other," he said. "The communities with libraries have them because they have a core group of people who are determined to have them, and are willing to work for them."

He said the Griggs County Library is a model for other small communities, and told the group that persons interested in libraries are being referred here to see this one.

Others attending the luncheon were Cooperstown Mayor Leon Sayer and councilman Roger Bakken; County Commissioners K. A. Monson, Earny Ronningen and Aldo Iverson; State Sen. Lester Larson, Brocket; Rep. Bruce Laughlin, Finley; Rep. Arnold Gronneberg, Hannaford; past presidents of the Griggs County Library Board, Mrs. Donald Larson and Mrs. G. J. Frigaard, several members of the Cooperstown Municipal Association, members of the library board and library staff members.

Representing the Municipal Association were Clarence Sandvik, Art Mathisen, Bill Detwiller, Jarvis Flaagan and Carrol Torgerson. Library board members attending, besides Tranby, were Adler Hegna, Mrs. Torrey Berge, Mrs. Vernon Knudson, Mrs. Laverne Larson and Mrs. Carrol Torgerson. Staff members present were Mrs. Allen Larson, librarian, Mrs. Les Winning, assistant librarian and Mrs. Ken Wood, bookmobile driver.

When the two libraries merged it involved combining the book collections which had been in separate rooms of the same building; combining the card catalogs and separating the children's cards into a separate file cabinet; redecorating the interior and adding new bookshelves and other storage. The transitional work and materials were paid for by a federal grant administered by the State Library.

The day-to-day operation of the library is financed by city and county mill levies and by donations by interested groups and individuals. The Cooperstown Municipal Association has made a substantial donations over a period of many years.

Library service is provided from 9 a.m. to 5 p.m. six days a week, and bookmobile service takes library books to the other towns in Griggs county.

Library users wishing a book not found in the local collection may obtain it through interlibrary loan. The local librarian contacts the state library, and an effort is made to locate the book.

An open house was held for the public in the afternoon. Doll houses and heritage boxes on display for the event are still there this week.

-Cooperstown Courier

June 22, 1977

COAL DEVELOPMENT IMPACT
FUNDS AWARDED TO McLEAN-
MERCER LIBRARY

The McLean-Mercer Library has been awarded \$2,500.00 for library materials by the Coal Development Impact Office in the State Capitol. The library had requested \$26,500.00. Ralph Dewing is the Director of the Coal Impact Office, and Judy Welk is the Director of the McLean-Mercer Library, Riverdale.

* * * SPECIAL CENSUS OF NORTH DAKOTA CITIES * * *

<u>City</u>	<u>County</u>	<u>Date</u>	<u>Population</u>
Alsen	Cavalier	9-26-73	174
Bartlett	Ramsey	8-14-72	32
Bismarck	Burleigh	2-18-75	38,123
Bottineau	Bottineau	12-1-75	2,850
Bowman	Bowman	12-9-74	1,987
Burlington	Ward	5-30-73	495
Calio	Cavalier	9-26-73	66
Calvin	Cavalier	9-26-73	72
Cavalier	Pembina	11-13-72	2,433
Devils Lake	Ramsey	11-14-74	7,354
Dickinson	Stark	9-17-75	12,496
Ellendale	Dickey	2-26-73	1,792
Emerado	Grand Forks	12-7-71	864
Fargo	Cass	1-9-75	55,815
Grafton	Walsh	8-13-73	5,931
Grand Forks	Grand Forks	10-7-71	40,060
Gwinner	Sargent	3-22-76	792
Hannah	Cavalier	9-26-73	123
Hazen	Mercer	8-25-75	1,558
Hillsboro	Traill	3-25-74	1,425
Jamestown	Stutsman	11-30-71	15,078
Kenmare	Ward	7-19-71	1,937
Lakota	Nelson	6-1-76	1,258
Langdon	Cavalier	9-26-73	3,957
Loma	Cavalier	9-26-73	56
Mandan	Morton	11-7-73	11,400
Milton	Cavalier	9-26-73	293
Minot	Ward	11-5-75	32,823
Munich	Cavalier	9-26-73	282
Nekoma	Cavalier	9-26-73	138
Osnabrock	Cavalier	9-26-73	335
Park River	Walsh	6-19-72	2,056
Regan	Burleigh	2-18-75	82
Rugby	Pierce	10-10-72	3,150
Sarles	Cavalier	9-26-73	103
Surrey	Ward	11-9-72	735

SPECIAL CENSUS OF NORTH DAKOTA CITIES, cont.

<u>City</u>	<u>County</u>	<u>Date</u>	<u>Population</u>
Thompson	Grand Forks	10-8-75	532
Wahpeton	Richland	11-6-75	8,257
Wales	Cavalier	9-26-73	113
West Fargo	Cass	3-29-76	7,919
Wilton	Burleigh	2-18-75	158
Wilton	McLean	2-18-75	621
Wing	Burleigh	2-18-75	230

Libraries in the "News"

Daniel R. Koper took over duties this week as head librarian at Devils Lake Carnegie Public Library. He is replacing Mary Braaten, who resigned to enter Denver University to pursue a master's degree in library science.

The new librarian is a graduate of Dickinson State College with a major in English and minors in library science and journalism. He has had experience as librarian in the junior and senior high schools in Medina and Newburg, N.D., where he also taught English.

In college Koper was active in debate, and he held several staff positions on the college newspaper, yearbook and literary magazine, including photographer, designer and managing editor.

Koper served three years in the U.S. Army. He and his wife, Sarah, have two children, Jennifer and Zachary, ages five and two. Mrs. Koper also taught at Newburg.

During the two and a half years that Braaten served as librarian she introduced a number of new programs in the library, including audio-visual materials, reference files and paperback book and pattern

exchanges. She also administered two federally funded programs in the six-county area of Region III, a senior citizens' program to provide books at senior citizens centers and a program to plan for library services in the Region III area based upon an assessment of needs and desires by citizens in the area. The latter program is being carried out through North Central Planning Council.

Ellen Berg, who served as library assistant during the duration of the federal programs, has completed her duties at the library and will also be entering Denver University this fall to work on her master's degree in library science. Continuing on the staff will be Carol Johnson, who serves as children's librarian, and Gail Senger, part-time assistant. Beatrice Larson and Merle McIntyre, former librarians, serve as volunteer assistants.

Library creates scholarship for local students

If you're a college student who plans to take a library science course next year, the Divide County Library may be able to help you.

The County Library board has announced the creation of a scholarship to pay the expenses of library science courses for any student from the county who's attending a North Dakota college or university.

Mrs. Ruth Ralph, librarian, said the board will pay up to \$100 for tuition and book expenses for a library course. The student need not be a library science major.

The grant is the first of its kind by a county library board in North Dakota, as far as the board knows, Mrs. Ralph said. The group approved the idea last week. The money will come from interest on private contributions that the library has invested.

Information and application forms are available at the library. Crosby. The board has not set a deadline for applying.

A total of 41 books were checked out of the Clara Satre Memorial Library during the first week of operation. The library was opened to the public Wednesday, July 6 and a total of 23 books were taken home during the two-hour opening period. Saturday eight more were checked out and Monday ten were taken.

The library is open to the public three days weekly for two-hour periods. Monday it is open from 7 to 9 p.m. Wednesday it is open from 2 to 4 p.m. Saturday it is open from 9:30 to 11:30 a.m.

The librarians on the staff are all volunteers with 15 having offered their services to date.

Monday the library board established borrowing policies. Books may be checked out for a two-week period and, if necessary, for a second two-week period. Each individual may check out up to three books each trip. Overdue fines will be two cents a day.

The library board make-up will change this week. The Milnor school board is expected to place David Gates on the board at their meeting Tuesday, replacing Harold Johnson. Johnson served on the library board because he both lived in Milnor and was a member of the school board. Gates was elected to that post in the June election.

Also expected to be replaced on the library board is Mrs. Dale Remus. Her one-year term expired in June and the family is planning to move from Milnor.

In other action Monday the library board discussed formation of a library guild, an open house and a sale of unused donated books.

-MILNOR TELLER July 13, 1977

Fire broke out in the attic of the Valley City Public Library early Sunday evening causing moderate damage to the building's roof.

Ken Raveling, Valley City fire chief, said a short in the wiring was the cause of the fire which broke out shortly after 6 p.m. Sunday. The Valley City Fire Department contained the blaze to the attic of the structure.

Raveling said there was a short in the electrical conduit inside the building and the fire spread from the conduit to the upper portion of the attic.

A small portion of the roof on the south side of the building was destroyed. Raveling termed the damage to the roof as "moderate."

He added there was minimal damage inside the library. The tri-plex service wire leading to the building was also burned said Raveling.

The fire caused the electricity to go out in the building and as of Tuesday morning, the library was still closed.

Mrs. Dolly Peterson, library board president, said there was no book damage caused by the fire and added most of the damage was confined to the roof.

Mrs. Peterson said there has been no financial estimate as yet of the damage the fire caused.

She added that there has been no firm date when the library will re-open.

-VALLEY CITY TIMES-RECORD

July 5, 1977

Librarian in Mandan Resigns

Dan Sevig, Mandan city librarian since September 1974, has resigned his position to take a school librarian's post in Fossil, Ore.

Mrs. Jan Holm, library board president, said Wednesday Mrs. Cleo Halm, assistant librarian, will serve as acting head librarian until a successor is named in about two months. The board is accepting applications until Sept. 15.

Mrs. Holm cited Sevig for expanding the library program

Dan
Sevig



in several areas. Changes at the library included a remodeling project, expanding the children's library area, setting up a Bicentennial room,

initiating a reading and outreach services programs, arranging a film and discussion series, and getting funding for an "Art for All" project which included art demonstrations during the Fourth of July, a current circulating art collection and some 10 upcoming performing arts events such as chamber music, rock, old-time fiddling and dancing and country western performances.

Sevig will be leaving at the end of July.

-THE BISMARCK TRIBUNE

July 21, 1977

ON LONG RANGE PLANNING

By Charles O'Halloran
Missouri State Librarian

... It causes me, as a librarian, to think about the goals which the current leadership of the library world seems to espouse. A few of the objectives which they pursue today are as follows:

*A national plan for library service should develop with the planning done by an agency of the federal government.

*A continuing and permanent federal government role in the direction, coordination, and financing of libraries should exist. Perhaps as much as 20% of any library's budget should be from federal sources.

*Availability of and access to federal funds should come only if State and local authorities also provide suitable financing. The States and local areas, should, if necessary, be required to increase their funding for libraries to levels mandated by federal law.

**Federal government services in the areas of bibliographic data bases, development of access to specialized collections, and research and development of improved technologies should exist.*

**Perferments such as reduced postage rates or exemptions from the usual application of laws such as copyright should be granted to libraries.*

**A library, very much like an elementary and secondary school education, should be considered a basic and elemental human service, available to every American.*

Other long-term goals could be listed. And though it is true that many of these goals might more properly be described as ideals, nonetheless most are parts of the ambitions of today's library leadership.

One need neither betray nor compromise any conviction about the value of libraries in order to quarrel with, even to reject, some of the philosophy that is embodied in the goals described above.

My belief is that one can be a librarian yet hold, by contrast with the above, as follows:

**Just as the use of libraries is a matter of freedom, the creation and coordination of libraries should be a matter of choice, not of compulsion.*

**States and local areas under the Constitution are and should be free to devise the form, level, quantity, and quality of the libraries that they will have.*

**Ever growing federal expenditures for varieties of desirable human services have already stimulated inflation, created mass dependence upon government, and lessened the freedom of individuals, localities, and States. The process of federalizing more and more services can lead only to an end of local or State autonomy and of consequent variety and heterogeneity.*

**The worth of libraries can be proved by performance. An a priori declaration or determination of that worth need not be a federal government task.*

**Library services, however good and necessary, are never free of cost. It is an illusion to pretend that federal money, since it brings with it more inflation and additional bureaucracy, results only in better libraries with no other effect upon those receiving it.*

**Librarians, like all professional people, may have "tunnel vision." The impact of increased federal involvement with libraries may appear to be totally beneficial. If the economic health of the Nation, the freedom of its people, and the long-term welfare of everyone are all harmed, diminished, or in any way adversely affected in this process, library progress is hardly worth the price.*

Solidarity, as old time union leaders used the word, tolerated no deviation from established, commonly accepted goals. Outlaws and mavericks were not and are not welcome.

Every question, someone has said, is a moral question. The present-day movement of librarianship has important moral dimensions. And though librarianship alleges itself to be non-political, the goals that I have described do involve major political decisions.

As a person I cannot, indeed, I will not ignore these moral and political considerations. I cannot objectively and passively "administer" in a system which is developing in ways which I cannot support or approve.

I may of course be "blowing in the wind."

Given the mood that seems to be developing in the United States today, however, I may be much closer to an understanding of what libraries will be in the future than is the leadership of librarianship.

Library Trustee Guidelines

JOHN SHORT

An examination of the state of library trusteeship today would show that of America's sixty thousand library trustees, most are functioning with a limited grasp of the implications of their trusteeship. It is natural that this be so in that library trustees represent a wide and diversified range of background and experience.

The quality of our library trusteeship effort can be enhanced if we effectively utilize the insights and experience of other trustees.

Much of the current library trustee literature is heavily burdened with rationale and exercises in semantics. The following guidelines have been stripped of excess verbiage and are simply a point of departure for further discussion and amplification. There is no significance to the sequence of items. Some points are obvious—some perhaps new to you. What is important is to creatively relate them to *your* library board needs.

- *Resign from the library board if you cannot give adequately of your time.
- *Be aware of the implications of modern library service. Too many libraries are nothing more than charming reading rooms.
- *Many trustees do not understand their function. Confusion is endless as they meddle in staff scheduling and bending rules for friends but ignore their responsibility for planning policy, anticipating trends (with the help of the librarian), and supporting their librarian in times of stress.
- *Pay librarians professional salaries and in return demand professional competence.
- *Thoroughly understand your budget. Don't reluctantly release funds in a miserly fashion but rather freely send them forth based on the knowledge that an informed, talented professional has pegged them for a well-defined need.
- *Do not undermine administrative effectiveness by placing yourself between director and staff.
- *Much potential library service is denied communities because trustees meet and make decisions entirely independent of the librarians' participation.
- *When making decisions, define the problem, expectations, and alternative solutions. Know what to do once the decision is reached.
- *Visit nearby libraries. On occasion sit in on their board meetings.
- *The trustee must take an aggressive and dynamic role in the pursuit of library legislation.
- *Encourage staff to present solutions—not problems.
- *Develop orientation programs for new trustees. Encourage the development of a trustee manual.
- *Library board terms should be staggered to reflect new and old membership. Avoid the self-perpetuating board.

*Library service must be for everyone, and all segments of the community should be represented on the library board.

*The library director who fails to exercise leadership and tolerates poor standards of library service should be replaced. Your participation in state, regional, and national trustee meetings will aid you in making this evaluation.

*Read professional publications such as *Library Journal* and *American Libraries*.

*Many trustees are the result of prestige or political appointments and really are not library oriented. They have little contribution to make, yet they will not resign. Most of them cause no trouble, but progress and real service in this day of the hard dollar are handicapped by their apathy.

*Hiring a new director is one of the most important tasks of the trustee. Take your time and have lots of in-depth conversations with the candidates. Remember that a library science degree does not automatically produce a professional librarian.

*Unions are a fact of life for some libraries. Keep informed.

*Often too much time is spent looking for the answer instead of the problem.

*A librarian must understand his community. This mandates time away from the library building and being out in the community.

*Library needs, unlike paintings, are never completed. Library needs are always in a state of flux. Do not be turned aside by that flux and turmoil, but rather respond to it.

*Know well the role of the library but know well also the missions and capabilities of other institutions that make up the educational and communications milieu.

*Expanding knowledge and limited funding mandate institutional centralization. Support planning then leads to maximum library service for the greatest number of persons.

*Meet with elected state representatives often enough so that they know your library needs.

*Be aware of library standards and how your particular library compares.

*Be wary of discussing problems instead of solving them.

*Avoid excessive and unneeded committee meetings.

*On an individual basis give financial support to the Washington Office of the American Library Association.

*Well-defined library policies are a must. Regular analysis of established policies is essential to a growing and vital library.

*The dialogue at board meetings is often nothing more than the rearranging of deck chairs on the *Titanic*. Are you guilty?

- *The library represents individualized service in a mass society. Individualized service demands a multitude of approaches. Keep the open mind.
- *Take calculated risks based on sound decision making.
- *The library is not a place—it is a process.
- *Use the resources of your state library. It is imperative that the state provide supportive services to library trustees.
- *Ask for the rationale behind expenditures but do not fall into the trap of being a pseudo-professional.
- *How we do energize creative thinking at the dull, tedious, everyday, basic level of library operations. This is where progress will be made, not in grandiose schemes.
- *There is often a lack of honest communication between librarian and trustee.
- *Libraries need operative plans which include a grasp of highly volatile short-range objectives and long-range goals.
- *Expand your vision to grasp the full dimension of what library service can be.
- *Don't depend on facts alone. They are all in the past.
- *Unwritten policies represent one of the greatest dangers for library boards.
- *Agitate for reasonable funding of libraries at the local, state, and national levels.
- *Be aware of the need for professional public relations activities.
- *Avoid administrative straitjacketing. Know the implications of your trusteeship. Keep exploring and probing.
- *Meaningful agendas lead to good meetings. Avoid a routine design and allow time for in-depth discussions of library concerns.
- *Promote the establishment of "Friends of the Library" groups.
- *Don't let your response always be that of reaction to a situation or condition. Use dynamic and creative thinking to improve the library before problems arise.
- *It is as dangerous to decide too soon as too late.
- *Librarian and library trustee are not separate pursuits. We share a common objective. We are together, hoping and striving to improve the society in which we live.

Reprinted from PLA NEWSLETTER
 Volume 15, Number 1
 Winter/Spring 1976

ANNUAL NON-RESIDENT FEES
FOR ACCESS TO PUBLIC LIBRARY
SERVICE, AS OF AUGUST 1, 1977

<u>CITY</u>	<u>INDIVIDUAL</u>	<u>FAMILY</u>
Bismarck	\$10.00	-
Mandan	7.50	-
Dickinson	7.00	12.00
Devils Lake	10.00	25.00
Harvey	7.50	-
Rugby	3.00	5.00
Lisbon	3.00	5.00
Enderlin	5.00	7.50
Jamestown	3.00	-
Cooperstown	3.00	10.00
Wahpeton	5.00	-

* * * * *

THE STATE LIBRARY COMMISSION HAS A COPY
OF THIS FILM AVAILABLE FOR LOAN

"THE SPEAKER" -

A film about the First Amendment. This film deals with the issue of Censorship - from the right to dissent to the basic nature, purpose and changing methods of education; from the rights of parents and students to the rights of educators and school boards. This important film will help to articulate the many arguments of this complex issue - one of the most important of our time.

16mm - 42 minutes - color - with a teacher and discussion leader's guide

October 17, 1977 - vol 9, no 11 430-77-1783-11

STATE DEPOSITORY

North Dakota State Library
Bismarck, ND 58501

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FLICKERTALE Newsletter

A PUBLICATION OF THE NORTH DAKOTA STATE LIBRARY COMMISSION
Bismarck, North Dakota 58501

**LOAN
COPY**

CHARD J. WOLFERT, Director

Telephone - 224-2490

Volume 9, Number 11

October 17, 1977

*** GOVERNOR APPOINTS ADVISORY COUNCIL ***

Governor Link has appointed an Advisory Council on Libraries by issuing Executive Order No. 1977-11. The Council is to provide advice and counsel to the Governor, the Director of Institutions, and the State Librarian on matters pertaining to statewide library service and development. The Executive Order and list of members are attached to this issue of Flickertale Newsletter. The first meeting of the Council was held on October 10 and 11 in Bismarck. Minutes of the meetings of the Council will be reported in Flickertale Newsletter.

*** WHCOLIS OFFICE NOW OPEN ***

Dina Butcher, state coordinator for the White House Conference on Libraries and Information Science, now has an office located in Pioneer Hall, Minot State College. The phone number is 838-8806.

*** VELVA AND NEW ENGLAND ESTABLISH LIBRARY BOARDS ***

The city of Velva established a public library board of directors on June 20, 1977. A petition containing two-hundred-thirty signatures was presented to the City Commission.

The city of New England established a public library board of directors on June 6, 1977.

*** STATE LIBRARY STAFF CHANGES ***

Cheryl Bailey, Head of Library Services, resigned on August 16 to accept the position of Library Director of Mary College. Marilyn Guttromson, State Government Services Librarian, resigned on June 30 to accept the position as Research Librarian with the Legislative Council, State Capitol.

Evelyn Connor was appointed Head of Library and Information Services effective November 1, 1977. Evelyn has experience at Valley City State College Library and Bismarck Veterans' Memorial Public Library. She has her MA Library Degree from the University of Denver.

Jeff Fox has been appointed to the position of LSCA Planning Director effective November 1, 1977. Jeff has experience in working with

North Dakota State Library
Bismarck, ND 58505

Staff Changes, cont. public, academic, and special libraries in Kentucky and Florida. He has a MA Library Degree from the University of Kentucky, and is nearing completion of his Doctor of Philosophy degree from Florida State University. His dissertation is on adult education and the public library.

Ruth Mahan has been appointed to the position of LSCA Field Librarian effective November 1, 1977. Ruth has experience in public libraries and health science libraries, and has a MA Library Degree from the University of Missouri.

*** SUPER 8MM FILM COLLECTION ***

The State Library is gradually eliminating the Kodak Cartridge version of its super 8mm film collection. The Kodak cartridges are being converted to the reel to reel format. The change should be completed about January 1, 1978.

*** MOUNTAIN PLAINS LIBRARY ASSOCIATION ***

The MPLA/SDLA Academic Section program at Rapid City will focus on instruction in the use of libraries. In addition to the program itself, which will feature talks and discussions on library instruction, a four hour bloc of time is being reserved so that academic librarians in the region who have library instruction programs that they wish to share with their colleagues might do so. Two hours will be devoted to community college and college level programs while another two hours will be given over to university level programs.

Libraries who have programs they wish to show or demonstrate should contact Bob Carmack at the I.D. Weeks Library, University of South Dakota, Vermillion. Tables will be provided for those who have written programs or documents that they wish to display while facilities, such as screens and electrical outlets, will be available for those with visual programs. Those who have media presentations should bring their own equipment. Librarians with media presentations should also inform Bob of the length of time needed for showing their programs.

It's a fine opportunity for academic librarians to share their instruction in the use of libraries programs with their MPLA colleagues, and librarians are urged to contact Bob Carmack and arrange to show their program.

*** HEA TITLE II-A GRANTS ***

HEW's Office of Education recently announced awards from FY-1977 appropriations for programs under the Higher Education Act Title II. Under the Title II-A college library resources program, basic grants, most of which are \$3,855 each, will go to the libraries of 2,591 institutions of higher education.

Scholarship to be offered in library science

CROSBY — If you're a college student who plans to take a library science course next year, the Divide County Library may be able to help you.

The county library board has announced the creation of a scholarship to pay the

expenses of library science courses for any student from the county who's attending a North Dakota college or university.

Mrs. Ruth and Ralph, librarian, said the board will pay up to \$100 for tuition and book expenses for a

library course. The student need not be a library science major.

The grant is a first of its kind by a county library board in North Dakota, as far as the board knows, Mrs. Ralph said. The group approved the idea last week. The money will come

from interest on private contributions that the library has invested.

Information and application forms are available at the library in Crosby. The board has not set a deadline for applying.

—Williston Herald
Sept. 13, 1977

Local Women Have Served Library Over 100 Years



Nettie Thorsen, Maxine Strand and Psyche Walland (left to right) share over 100 years of service to Rugby's library board.

Three Rugby women who have served on the local City-County library board for a combined total of over 100 years will be honored at a tea Tuesday, September 13 at the Heart of America Library.

The tea, sponsored by Rugby's Woman's Club, will serve to recognize the efforts of Mrs. Maxine Strand, Mrs. Nettie Thorsen and Mrs. Psyche Walland, all of Rugby.

The three, who are retiring from the City-County board, have held every office on the board, and two of the three have been board members since it was organized in the mid 1930s.

Nettie Thorsen and Psyche Walland were appointed to the library board the same time. Mrs. Thorsen was named to represent Rugby's School District, and Mrs. Walland was appointed to represent the Woman's Club. Both have served library board terms of about 40 years.

Mrs. Strand, who has served on the board for over 20 years, has served as the board's president for the past several years.

Mrs. Walland and Mrs. Thorsen were library board members when the board consisted of five members. When the new City-County Heart of America Library building was constructed in 1969, the board's membership was expanded to eight members, representing a balance between the City of Rugby and

Pierce County.

The board met three or four times per year for several years until planning began for construction of the new library facility, when meetings were held more often. In recent years, the board has met once per month.

Rugby first acquired a public library through the efforts of Rugby's Woman's Club, which provided volunteer labor and time and sought financial assistance for the library through donations.

The three retiring board members served without pay or reimbursement for expenses for the entire duration of their terms. Together, the three women worked with a total six librarians over the years, and scores of library assistants, aides, helpers and volunteers.

The retiring board members will continue to serve the library board in an advisory capacity.

During the course of their terms, the three members have been instrumental in revising state laws which relate to the organization of library boards, and in generating private, matching fund financial support which was used to construct the new library facility.

—RUGBY TRIBUNE
September 7, 1977

*** USERS NOW PAY FOR LIBRARY SERVICE ***

By Robert W. Poole, Jr.

Anne Jackson dropped a quarter into the slot and pushed through the turnstile into the public library. Making her way to the reference section, she located a computer terminal and inserted her library card into it. A new system for tax savings began to unfold at the library as the terminal came to life.

Twenty three minutes later, after typing in questions about hearings on the Endangered Species Act, Jackson signaled to the computer that she was through. On the screen flashed a message indicating that her account had just been charged \$3.07. Passing by the best seller display on her way out, she decided to check out a copy of Roots, at 15 cents a day.

"Anne Jackson" is fictional, but her experience of paying for library services is becoming fact. Though it tends to go down hard at first, more and more cities are adopting user charges for various public services--ranging from library privileges to fire inspections to weed control. As voters balk at tax increases, the "user pays" idea is one way to help balance the budget, or actually achieve general tax reductions.

User charges aren't really new. Cities have nearly always billed residents directly for water, sewers, and other utility services, when the city rather than private enterprise provides them. What is new is the application of the charging principle to a host of new, non-utility areas. This is being made possible by taking a new look at the old concept of a "public good."

Traditionally, most city services have been paid for by taxes and then provided without direct charges on the grounds that they help everyone equally, rather than some more than others. Police, fire protection, and schools are often considered prime examples of public goods--although even here, some benefit more than others. But the new user charge approach takes a hard look at such services as libraries, beaches, tennis courts, marinas, and street tree maintenance, and asks: Who really benefits?

In most cases the answer turns out to be specific individuals--not everyone in general. It then becomes very sensible to set up a system of user charges. Besides being fair in matching cost to benefit, user charges have the following additional advantages:

* User charges give consumers a larger voice in determining what kind and extent of services should be provided. Consumers can show, by their purchases, which ones they want and which they don't, just as they do when shopping for clothing or food.

* Because of this feedback, user charges tend to make public services more efficient. They give officials good reasons to discontinue unpopular services, or reduce them to the level where they become self-supporting.

* Putting a price on popular services helps to reduce overloading of parking lots, beaches, and tennis courts at times of crowding. By raising prices at peak hours, and lowering them at slacker times, officials can spread out usage. The principle is the same as that used by the airlines with night coach service: services can be provided more inexpensively by smoothing out extremes of demand.

* Finally, as noted earlier, making users pay, rather than all the taxpayers, reduces the need for tax funds--and can thus lead to important savings on tax bills.

User charges currently account for about 15 per cent of all municipal government revenue, according to the U.S. Census Bureau. Utility charges make up another 14 per cent, for a total of 29 per cent paid for directly by users. This amount is also as large a share as local tax revenues (33 per cent). As the pressure to hold down or reduce property taxes continues, the share accounted for by user charges can be expected to rise.

Already many signs indicate that this is taking place. In June the Los Angeles County Economy and Efficiency Commission issued a 60-page report outlining ways in which the county supervisors could ease the tax burden. Their principal solution: consider making users pay more for beaches, civil court proceedings, computer record copying, emergency medical care and paramedic services, estate administration, farm advisory services, land use information reports, mapping services, marina operation, pest control, public defenders, and so forth. Many communities--from Fairfax County, Va., to Santa Barbara, Ca.--have begun charging higher recreation fees to non-residents than residents, since residents pay for part of the cost via property taxes. Cincinnati, Ohio has gone so far as to offer a coin operated fountain. The huge, \$2.8 million fountain in Yeatman's Cove Park puts on a spectacular three minute display when activated with a quarter.

Public libraries, as noted in the opening paragraphs, are beginning to charge for services. Some now charge for library cards and a few charge admission. The public library system in Los Angeles charges a daily fee for checking out best-sellers, to help keep these popular books in circulation. In Indianapolis, the public library is studying reactions to fees for computer searchers and inter-library loans. The Minneapolis Public Library provides a sophisticated computerized reference service at \$35 an hour, used mainly by large firms headquartered in the city.

Even certain police and fire services are now being charged for, when specific beneficiaries can be isolated. Police funeral escorts, traffic direction at special events or shopping centers, special patrolling of large commercial areas, and fire inspection have all been billed to recipients. Productivity researchers are now proposing that property owners be charged for fire protection on the basis of their potential fire loss. Such a system would encourage the adoption of sprinklers and other measures to reduce the probability of fire.

In short, user charges are an important means for increasing the fairness and efficiency of public services, while cutting costs to taxpayers. A call to your mayor or city manager can determine where they are now in effect in your community--and where they should be considered for the future.

(For more information, readers may contact the Local Government Center, 221 West Carrillo St., Santa Barbara, Ca., 93101).

—WEST FARGO PIONEER

August 10, 1977

Mandan Library Director Named

Janet Walsh Crawford has been named director of the Mandan Public Library it was



Janet
Crawford

announced by Mrs. Robert Carlson, president of the library board, effective Thursday.

A graduate of North Dakota State University, Mrs. Crawford completed her master's degree in library science from the University of Illinois at Champaign in August 1977. Her library experience has included two years at the Grand Forks Public Library and supervisor of the learning resource laboratory at the University of Illinois Graduate School of Library Science. She is a native of Mylo, ND.

Mrs. Crawford, her husband Duane, who is a librarian, and two children live at 700 Sixth Ave. NW, Mandan.

The new director succeeds Dan Sevig, who accepted a position as librarian at Wheeler High School, Fossil, Ore.

*** FLICKERTALE MAILING EXTENDED ***

Copies of the Flickertale Newsletter are available on a regular basis to North Dakota librarians upon request. Write to the State Library, Highway 83 North, Bismarck, ND 58505.

At local library

Licha to be head librarian

Valerie Licha will be head librarian at the local library facilities as of Oct. 1. She (Mrs. Jeff Licha) is presently attending Valley City State College earning a BS major degree in English and a minor in library science.

Mrs. Licha will be replacing Mrs. Diane Bjerke who has

had the position for two years. According to Mrs. Licha, Mrs. Bjerke accomplished many things while here and has helped her become acquainted with the facility and procedures in the building. She will continue to work parttime when needed.

Mrs. Licha is a high school graduate of the Wilton High School. Her parents, Mr. and Mrs. Leonard Diede, continue to reside there.

Recent repairs have taken place at the library and soon, the interior will get a fresh coat of paint. Maybe, several of the famous pictures, will also get new frames said Mrs. Licha.

Others working at the library are Jo Winkler, Myrtle Strandberg, June DeKrey, Arlyce Skarbone and Jeanie Bakke.

Chairman of the library board Mrs. Dolly Peterson said, "We really hate to lose Mrs. Bjerke, she has done a lot for the library including getting the bookmobile started in the county. I am sure Mrs. Licha will do as well and we are very lucky to have her."

The library board has a new member, Mrs. Maureem Birchem. She replaces Mrs. Esther Elliott who has served the six-year limit.

Others on the library board are Dean Lenaburg, Monroe Perry, Bob Griffin, and two Barnes County rural representatives Rose Windish of Wimbledon and Leota Morth of Fingal.



Accepts position

Valerie Licha, to graduate from Valley City State College this year, has accepted the position as Valley

City Public Librarian. She is replacing Diane Bjerke, who presented her resignation effective Oct. 1.



STATE OF NORTH DAKOTA

EXECUTIVE OFFICE

BISMARCK

ARTHUR A. LINK
GovernorEXECUTIVE ORDER 1977-11

It is the policy of the State of North Dakota, as part of its provision for public education to promote the establishment, maintenance and development of library service, and that such library service is to be provided by a library supported by public funds and operated for the benefit and free use of individuals of all ages in the community in the meeting of their educational, informational, and recreational interests and needs.

Since these interests and needs exceed the library resources and services available at any one library, the coordination of all types of libraries, (school, public, special, college and university) is of prime importance to the library clientele and to the tax payers of the state.

Therefore, I hereby establish the North Dakota Advisory Council on Libraries to provide advice and counsel to the Governor, the Director of Institutions, and the State Librarian on matters of policy and programs pertaining to state-wide library service and development.

The Advisory Council on Libraries shall consist of members appointed by the Governor and shall be made on the basis of ability, a sound understanding of the total responsibilities and objectives of a state-wide library program, and an active interest in the attainment of comprehensive goals. The term of office of each appointive member shall be for one year beginning on October 1 of each year. Any vacancy on the Council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The Advisory Council shall elect a chairman and a vice chairman at the first meeting held. The regular meetings of the Council shall be quarterly and special meetings may be called by the chairman and the State Librarian jointly.

A Resource Committee of non-Council members may be appointed jointly by the State Librarian and the chairman to assist in the carrying out of the duties of the Council.

The duties of the Council shall include:

1. Gathering information pertaining to state-wide needs for library and information service;
2. Provide advice on the development and coordination of the services rendered by all publicly supported libraries;
3. Assist in the evaluation of library programs provided by all publicly supported libraries;
4. Promote the improvement of library and information service in accordance with the State Plan.

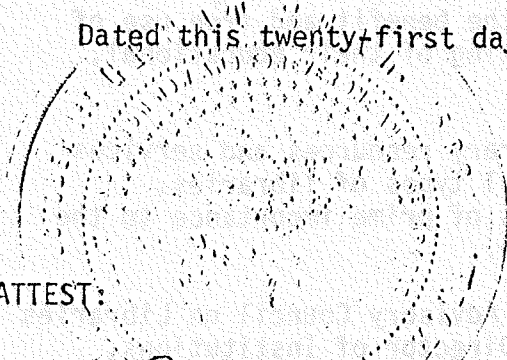
The Council shall provide a report to the Governor, the Director of Institutions, and the State Librarian detailing the state of library affairs, and such report shall be due October 1, 1978.

Reimbursement of expenses of Council members shall be limited to the prevailing state employee rates for mileage, meals, and lodging, and shall also be limited to regular and special meetings of the Council.

Council member expenses shall be paid by the State Library upon the completion of prescribed forms. Such reimbursement shall be limited to federal funds available for this purpose.

This Executive Order supersedes Executive Order No. 1974-6 dated July 25, 1974.

Dated this twenty-first day of September, 1977.



Arthur A. Link
ARTHUR A. LINK
Governor

ATTEST:

Ben Meier
Secretary of State

By *Robert R. Schiell*
Deputy

NORTH DAKOTA ADVISORY COUNCIL ON LIBRARIESPublic Libraries

Mrs. Ora Stewart, Director
Carnegie Bookmobile Library
Grafton, ND 58237 352-2754
October 1, 1977 - October 1, 1978

School Libraries

Mrs. Ruth McMartin
Director of School Libraries
Fargo, ND 58102 235-6461
October 1, 1977 - October 1, 1978

Academic Libraries

Mr. Bernnett Reinke, Director
Stoxen Library, Dickinson State College
Dickinson, ND 58601 227-2136
October 1, 1977 - October 1, 1978

Special Libraries

Mr. Charles Bandy
Director, Harley French Medical Library
University of North Dakota
Grand Forks, ND 58201 777-3893
October 1, 1977 - October 1, 1978

State Institutional Libraries

Mrs. Jeannette L. Holm
Librarian, State Industrial School
Mandan, ND 58554 663-9523
October 1, 1977 - October 1, 1978

Blind & Physically Handicapped

Mr. Charles Borchert
Superintendent, School for the Blind
Grand Forks, ND 58201 777-4144
October 1, 1977 - October 1, 1978

Disadvantaged

Mrs. Loretta Knight
Aging Services, Social Services Board
State Capitol
Bismarck, North Dakota 58505 224-2577
October 1, 1977 - October 1, 1978

Citizen Members

Mrs. Peg Ahlness
Box 85
Bowman, ND 58623 523-3354
October 1, 1977 - October 1, 1978

Mrs. Doris Greenleaf
Box 891
Devils Lake, ND 58301 662-4244
October 1, 1977 - October 1, 1978

NORTH DAKOTA ADVISORY COUNCIL ON LIBRARIES (con't)

Mrs. Nelle Wang 503 W. Highland Drive Williston, ND 58801 572-6162	October 1, 1977 - October 1, 1978
Mrs. Coral Gayton Selfridge North Dakota 58568 422-6183	October 1, 1977 - October 1, 1978
Mr. Harry H. Middaugh Lansford North Dakota 58750 784-5422	October 1, 1977 - October 1, 1978
Mrs. Jack (Lois) Rose Wimbledon North Dakota 58492 435-2589	October 1, 1977 - October 1, 1978
Mr. Curtis Jensen Garrison North Dakota 58540 463-2190	October 1, 1977 - October 1, 1978
Mrs. Ray (Betty) Kummer Colfax North Dakota 58018 372-3868	October 1, 1977 - October 1, 1978