
Restriction on the Use of Research Materials

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THIS PAPER DEALS with some the problems connected with the examination and use of large bodies of materials in American research libraries today. It will consider manuscripts, archives, microfilm, and printed materials and touch upon the imposition of fees for the use of materials by graduate students and local and visiting scholars. It will not deal with restrictions incidental to interlibrary loan, with the censorship problem, or with the "more than 75,000 unpublished technical reports [the majority of which are security-classified] issued annually in this country by research projects supported by the Federal Government."¹

The conclusions are based upon correspondence with, and questionnaire replies from, over eighty librarians and archivists of research libraries of all types, and upon careful consideration of the work of the committees of the American Historical Association and the Association of Research Libraries which resulted in the "Report of Ad Hoc Committee on Manuscripts Set Up by the American Historical Association in December 1948"² and the "Report of the Committee on the Use of Manuscripts by Visiting Scholars Set up by the Association of Research Libraries."³ These two committees, composed of three historians and three archival experts in the first instance, and of librarians and university professors in the second, provide such an excellent cross-section of informed opinion, and the problems they treat have such general applicability to this topic, that their reports will be considered at length.

The first of these committees was set up at Christmas 1948 to study the *arrangement and use of recent large collections*, the year 1900 being agreed upon as a satisfactory date for the beginning of the

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“recent” period. The committee recognized that “While most archivists are considerate of the reader’s time and energy . . . a few place unnecessary and irksome obstacles in the reader’s way.” It was interested in making good practice known and in emphasizing the point of view of the reader who cannot easily find time, funds, and energy to use large collections. It recognized that any discussion of manuscript arrangement “should be preceded by the statement that each group presents a separate case,” that general principles could be recommended but that many exceptions would be found, and that judgment would be constantly required together with proper respect not only for the needs and wishes of the research scholar, but also “for the hard limitations (time, money, personnel) of most manuscript repositories.”

With these considerations in mind, it proceeded to make certain recommendations concerning arrangements, guides, acquisition policies, physical protection of manuscripts, qualifications of users, restrictions on the use of the content of manuscripts, facilitation of the use of collections, and protection of the researcher. The committee urged the importance of bringing valuable collections into safe repositories where they would be most available to the largest number of users. It recognized that “One of the chief functions of the archivist is the protection for posterity of an important source of future historical and biographical writing,” but pointed out that this function must be “balanced against the other important function of the archivist, namely, to make manuscripts as easily available to the user as is compatible with reasonable safety.”

Placing responsibility for proper use of manuscripts squarely upon the user, the report said:

It is up to the user, too, and his publishers, before publication, to obtain the necessary permissions from owners of the literary property rights in unpublished material. The problem of literary property rights is proving a thorny one wherever its implications are fully understood. These rights are a matter of common law. Consequently legal interpretations differ from time to time and from case to case. The principle is fairly well recognized that the writer of a letter or other paper retains the sole right to publish the contents of that paper, unless he parts with that right, and that the right descends to his legal heirs. But to what extent does this affect the repository, and, concomitantly, the user of manuscripts? There are many still unsettled questions in this connection—can public exhibition be considered publication, for example, or can photocopying be considered publication—which this committee cannot attempt to answer. *The committee does recom-*

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mend strongly, however, that further study of these matters be undertaken by scholars, archivists, and legal experts, to the end that some legally acceptable conclusions be reached and, if possible, some legal action be promoted to stabilize such conclusions; and that, in negotiation for the acquisition of manuscripts, the archivist make every effort to secure in that connection a dedication to the public of literary property rights held by prospective donors in any unpublished letters or other writings.

The committee felt that some sort of screening of applicants for permission to consult papers was desirable, and suggested the kinds of questions that should be asked by the user, but concluded by quoting the suggestive response of one correspondent who had said: ". . . all we require with reference to qualifications of prospective users is that we be convinced that they are trustworthy, intend to use the material for scholarly purposes, and are reasonably qualified to do so." It pointed out that generally speaking archivists are considerate of a reader's time and energy, occasionally other readers are thoughtless, "but the worst offender is apt to be a well-meaning staff member who cannot resist talking at length with readers, sometimes ostensibly to provide help." The committee urged upon readers an effort to understand the difficulties many repositories face in the matter of hours, and urged repositories to make even greater efforts to adjust their hours to the needs of readers.

In the light of some recent discussion that has taken place among research libraries in this country, it is interesting to find "*The committee suggests that it is of the utmost importance now and will be increasingly necessary in the future to permit the filming of large groups of manuscripts in order to make them available elsewhere.*" It seems important therefore to work out reciprocal arrangements between repositories whereby collections or parts of collections can be made available in two or several places with proper control retained by the original possessor whose responsibility it is to protect the papers against abuse."

The committee recognized the vital importance of proper selection in training of staff members in handling manuscripts, and concluded its report with four special problems deserving recognition. This conclusion deserves full quotation:

In most cases the repository is not primarily concerned about protecting the reader. There are, however, four special problems that should be recognized. One concerns University libraries and the manuscript theses deposited in them before publication. In order to avoid

hard feelings and injustices, *the committee recommends that such repositories of unpublished dissertations adopt the Harvard rule of permitting no one to use these without permission of the author for a five-year period*, after which it would be reasonable to throw them open for general use. The second concerns the policy, occasionally imposed by a donor, of restricting the use of papers to particular readers. *The committee recommends against giving any reader a monopoly in the use of papers.* The third concerns the practice followed by very few institutions—of permitting faculty members or graduate students to earmark certain groups of papers and close them to scholars from other institutions. If this practice were followed widely, scholarship would shrivel up or be limited to the narrow confines of each little bailiwick. Those who answered the questionnaire are, like the committee, unanimous in feeling that no retaliation should be practiced against such institutions. *This committee does, however, deplore the practice of granting special privilege to members of the owner-institution.* Finally, *the committee feels that repositories can serve as important clearing houses of information useful to readers* by keeping and making available files that show who is using each group of papers and the purpose for which it is being used. Many an archivist has rendered invaluable service to readers by bringing together those who have interests in common so that they can discuss their subjects and exchange mutually helpful information and material.

The committee of the Association of Research Libraries made use of the Ad Hoc Committee Report, and its recommendations follow closely those that have just been outlined. It seemed to this committee that it was the duty of every librarian to encourage the proper use of publications and manuscripts under his care, and to make his materials readily available to qualified investigators, taking such steps as might be necessary to insure their physical safety; that "The cause of scholarship is best served by the Librarian building on strength in his own institution, and directing to their proper home manuscripts which would fit into or supplement strong collections in other institutions"; that "When questions of analogous use arise the librarian should make every effort to bring the scholars together in the belief that a conference or correspondence will cause apparent conflicts to disappear"; and that "The right of publication should be granted by the librarian without reservation." In this latter connection the committee recognized "that university and college libraries have a special responsibility to their faculty and students, and acquire manuscript material for publication by a faculty member or a student working for the

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doctor's degree, and will therefore be obliged in *exceptional circumstances* to assign priorities in the publication of the manuscripts. The exceptional need for exclusive publication rights should be carefully considered and limited in duration (not more than three years), because priorities contravene the principles of liberal publication which the committee endorses."

The report concludes with further emphasis on the point "that restrictions on publication must not interfere with freedom of access, which should be, in effect, unlimited."

There can be no doubt that the attitude expressed by the Ad Hoc Committee Report is generally that of the archivists and curators of manuscripts throughout the country today. Letters received from eighteen archivists during the summer of 1953 state that they all follow in the main the procedures set up by the Ad Hoc Committee. These same institutions are by and large well equipped today to undertake microfilming or other kinds of reproduction of materials and are generally willing to reproduce upon request complete collections of manuscripts or archival materials relating to individuals, offices, industries, etc. No priority is given local residents in any of these agencies. This is equally true of such diverse large special libraries as the Department of Agriculture Library, the Armed Forces Medical Library, the Smithsonian Institution Library, the Department of Health, Education, and Welfare Library, the New York State Library, and the Union Theological Seminary Library.

With university librarians, the story is somewhat different. These are obviously anxious in the main to do all they can to help, but they differ considerably in their opinions about priorities and obligations. Answers to questions relating to the copying of large masses of materials for another library or the granting of priority to the institution's own faculty and students are likely to boil down to "It all depends on the situation." When forty-eight university librarians were asked "Does your library microfilm or reproduce in any other form complete collections of manuscripts or other special research materials for other libraries or institutions?" twenty said yes, twelve said no, and the remainder said "It all depends." Those who answered yes to that question were then asked "Does the library restrict the use of the material giving its own professors and students priority in its use?" Seven of the twenty said yes, eight said no, the others said "It all depends" or "The case hasn't come up yet."

When this same group of librarians was asked for personal reactions to supplying microfilm of complete collections and giving priorities to

the students and scholars of their own universities, a wide diversity of answers resulted. Some felt that only those items needed by an institution and its program should be accepted in the first instance, therefore the institution naturally had first claim; many believed scholars should be served on a first-come first-served basis; some believed that making such materials equally available to all comers would be like making an institution's laboratories and other facilities equally available to all visitors; some were skeptical of anyone's ability to pick the "qualified" user, although most recognized that some such effort had to be made; and there were combinations of these and other views.

It is not possible to generalize about these attitudes in terms of "have" and "have not" institutions. Some of the most liberal views and some of the most conservative views will be found among large and small, strong and weak institutions, and the various kinds of limitations imposed by some donors, in spite of the best efforts of the librarian, sometimes make it impossible for the most generous-minded librarian to be as generous as he might like to be. This, incidentally, is as true for the governmental libraries as for the private institutions.

To the scholar who is anxious to bring together in one place and at one time all the publications bearing on a given subject, there probably appear to be a considerable number of unreasonable librarians left and a fair share of restrictions to be found. There are still printed rules, and regulations, and will continue to be, but the scholar today enjoys virtually unlimited freedom of access to materials in American research libraries. Research libraries of all types make their materials available with as few restrictions as possible, even in the case of rare books. They are generous in permitting the use of materials through microfilm and impose very few restrictions except those that relate to copyright and the conditions upon which certain materials have been accepted. Their interlibrary loan practices are in many instances much more liberal than those described by the most recent A.C.R.L.-A.L.A. Code.

To be sure, one can still find petty and irksome regulations and rules governing loan periods, stack access, use of certain types of materials outside certain areas, and so on, which seem more appropriate to the period fifty or sixty years ago when certain institutions were still debating whether students should be allowed to borrow books and under what conditions than to the present. But this is nothing more than a kind of cultural lag. It is interesting to notice that it is this type of thing that the practicing scholar is likely to

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mention first when you ask him about the restrictive practices he has encountered.

More serious limitations than those imposed by the institutions are likely to be those that come through dispersal of collections and a lack of guides and calendars, in the case of manuscripts, and through delayed and inadequate indexing, in the case of serials and of local, state, and federal documents. The overwhelming majority of the documents published in this country each year are not properly indexed, and one has only to consider how much research is going on in government at all levels, and how much more is needed, to realize how paralyzing the virtual absence of bibliographical tools at the local government level and the inadequacy at all levels can be. The humanist and the social scientist have never had adequate guides to their materials, and this severe limitation remains.

As for microfilm, laboratory facilities are generally taken for granted in large research institutions today, and in those few instances among research libraries where microfilm facilities are not available, steps are being taken to make them available on the premises or in the vicinity. It can also be said that the tendency today is for the research library to lend film freely with a minimum of red tape.

It seems very clear that research libraries are not disposed to charge visiting scholars fees for their use. Thirteen of forty-eight university librarians replying to a question on this subject indicate that their institutions charged fixed fees for the use of their materials by graduate students who had completed their course requirements for advanced degrees but who were at work upon their theses. Frequently they made a distinction between those who use the library only and those who use the library and consult their professors. These fees, generally nominal, but occasionally quite high, are ordinarily collected by the business office.

The directors of the Harvard University libraries and the Columbia University libraries and one of the authors of this paper contributed to a *College and Research Libraries* symposium entitled "Fees for Research Library Use by 'Outsiders'" in October 1952.⁴ The discussion of the problem revolved around the fee system now in force at Harvard's Widener Library (and at Widener alone among Harvard's libraries) and included statements on the situation at Harvard and Columbia. L. R. Wilson, commenting upon the question "Should Research Libraries Impose Fees Upon Visiting Scholars?" saw no objection to the fees imposed by Harvard upon local residents but pointed out that charging visiting scholars fees sets an example which might

be followed by other research libraries and poses a threat to the comity which exists among American universities. That symposium should be examined for further observations on some of the opportunities and obligations of great universities.

It should be pointed out that some librarians in the immediate vicinity of Harvard have expressed sympathy with the Harvard plan and have found in it direct benefits to their own libraries in that their institutions have found it essential to build up the resources of their libraries and make them adequate for teaching and research purposes. They have expressed the view that, properly understood, the fee system now in operation is neither objectionable nor likely to restrict productive scholarship.

How does all this compare with the situation in the nineteenth century or early in the twentieth century? Perhaps one or two typical situations will be sufficient to recall the earlier periods. In many institutional histories are situations paralleling that at the University of North Carolina, where from 1844 to 1868 all of the university's historical manuscripts were in the home of the president. Upon his death, the administrator ruled that the papers were the property of his estate. From 1875 to 1900 the university's papers were in the office of the major professor of history; in 1907 a vault was built in the Carnegie Library to house the papers, still without catalog or facilities for their use. Only in 1929 with the erection of the present building and the establishment of the Southern Historical Collection in 1930 were the manuscripts properly arranged and made easily available through the necessary guides and calendars.

Developments have been equally rapid among the public archives. A portion of a letter from one state archivist queried on this point tells a typical story:

I would say most assuredly that regulations for the use of materials have become more liberal since the first quarter of the present century. In our own case we have very few restrictions whereas earlier in the century we followed those then in vogue. For example, at that time letters of introduction were required as well as advance notice of the arrival of anyone desiring to use any extensive quantity of manuscripts. Furthermore, at the beginning of the century much of our work was limited to genealogical inquiries from individuals desiring to become members of patriotic societies. Since that time archival administration in our State has expanded so that we not only have the care and custody of the old records of state agencies but also those of counties and municipalities. We, also, serve as public records ad-

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ministrators in order to be assured that records being currently created will be properly taken care of for posterity. The enlarged facilities and staff we have greatly increases the amount of work done previously with the result that scholars are finding our holdings to be more readily available and much more valuable to them.⁵

And so it is with books and other materials. Everywhere it is obvious that there have been tremendous advances in the freedom and ease of use of all forms of materials, advances which are the result of better organization of materials, more and better-trained people, more space and improved equipment, increasingly numerous indexes and guides, and a better understanding of the needs of students and scholars.

References

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