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ADE Council

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The *Newsletter of the Association for Documentary Editing* is published quarterly by the Association's director of publications. Correspondence on editorial matters and books for review should be addressed to the *Newsletter* editor: Joel Myerson, Department of English, University of South Carolina, Columbia, SC 29208. Inquiries about membership in the organization should be addressed to John P. Kaminski, Documentary History of the Ratification of the Constitution, 5227 Humanities Building, 455 North Park Street, Madison, WI 53706.

Jonathan Edwards' A History of the Work of Redemption

JOHN F. WILSON

As a historian of religion, I appreciate the opportunity to present this discussion of a very particular editing assignment I have lived with for some years. Needless to say, this experience has increased my respect for those whose primary profession is close editorial work on texts. As a consequence, I offer these brief comments with a vivid sense of being essentially a layman in the field of editing who has tried to come to terms with its demands. Let me summarize the very special issues present in this project, and then turn to indicate the elements of the solution that have emerged.

Jonathan Edwards' *A History of the Work of Redemption* was issued as a treatise in 1774, sixteen years after Edwards' death. A Scottish admirer, John Erskine, edited it for publication. In this version it had enormous, indeed incalculable, influence especially within and upon American culture as it was forming in the new nation and then developing throughout the nineteenth century. At the same time we have Jonathan Edwards' own manuscript booklets for thirty sermons he preached under this title to his congregation in Northampton, Massachusetts, in the spring and summer months of 1739. This preaching series preceded, of course, the turbulence of the Great Awakening, the controversy surrounding Edwards' dismissal from the Northampton parish, and it was well before the productive exile at the Stockbridge Indian Mission where he composed his mature works such as *Freedom of the Will* and the *Two Dissertations*.

It may help if I lay out the chief elements of this picture in a logical order.

1. *A History of the Work of Redemption* was initially brought before the public, published if you will, and preached for the only time, and published the only time by Jonathan Edwards himself, as a sermon-lecture series over a six-month period from March through August 1739.

2. Implicitly it is the case, and it may be directly inferred from references in roughly contemporary writings as well, that Edwards thought of this project even at the time of its composition as the draft of a treatise. He referred to it as his "Redemption Discourse" (in the singular). So we must see it as in his mind already a proto-treatise, if you will. Jonathan Edwards perfected the device of extending and developing the sermon form, even stretching it to the breaking point so that it would become a treatise, in the course of the

next decade, specifically in working through his powerful analysis of the Great Awakening in the *Treatise on Religious Affections*. But in some respects the logical transformation of the form into a treatise was achieved in the earlier Redemption sermons.

3. We do have three notebooks, the most important of which dates from the closing years of the Stockbridge period (probably 1755–57), that indicate Edwards was turning to think about reworking the "Redemption Discourse" into a treatise as he relocated at the College of New Jersey in 1758 and died in a matter of weeks. He made notes on the most fitting organization and structure of the book as well as jottings on points of substance that he wished to include.

4. *A History of the Work of Redemption* was edited by John Erskine in Scotland and first issued in Edinburgh as a treatise from a transcription of the original sermon-manuscript booklets made by Jonathan Edwards, Jr. in New Haven in the early 1770's. John Erskine removed the specific features of the sermon so as to make it more like the treatise he thought Edwards had intended it to be.

5. This large tract circulated widely in numerous editions throughout the English-speaking world as well as in Dutch, Welsh, French and Arabic translations, all deriving from Erskine's edition. *A History of the Work of Redemption* had enormous significance for the development of evangelical consciousness in the nineteenth century and exercised a vast influence within the new American nation. Arguably it was one of the most influential books in American culture, understood to include popular culture. Figures like Harriet Beecher Stowe and George Bancroft can be called upon for testimony to this point.

How should such a work be presented in a critical edition? This is not a literary text perfected by its author and handed over to a printer. Nor is it a summary theological treatise completed posthumously by the protégés. It may have strongest resemblance to a political tract that has its influence as much through secondary re-presentations as through conventional published formats.

One conclusion seems firm to me: the copy text must be Edwards' original sermon-manuscript booklets that he took into the Northampton pulpit—however much the influence and effect actually derived from the subsequently edited and published version we owe to Edwards Jr. and Erskine. But

to settle this issue simply introduces us to another range of problems that arise from these sermon booklets and their characteristics that relate to their oral delivery.

Jonathan Edwards developed and cultivated the practice of writing out his sermons in small booklets that he could hold in his hand when in the pulpit. The booklets that contain the Redemption Discourse are a part of this genre that Wilson Kimnach has discussed in the February 1983 *Newsletter*. Let me briefly summarize the relevant points as far as my project is concerned.

First, Edwards used the plain-style sermon form as developed among the Puritans in old England and brought to the new world in the seventeenth century. The “text” has condensed into “doctrine” and its ramifications explored before being “applied” in various conventional uses. This form gives a logical structure to the whole “discourse” (of thirty sermons delivered over six months) as well as determining discrete elements within it.

Second, since this was a rather full text for an oral delivery, Edwards regularly used private symbols—although not to the point of writing in shorthand (as he did in yet more private materials).

Third, contractions and abbreviations are commonly used throughout the manuscript. The latter, especially, vary widely so that the same letter or combination of them can sustain different readings.

Fourth, Edwards did not use punctuation in his sermon booklets (as he did in his correspondence or in the fair copies of works that he sent to a printer). There are block divisions of the materials, as well as keying lines between and within the blocks. Apparently these latter lines permit him to look up from his text from time to time and to return to it with confidence. But these are not equivalent to paragraphs or punctuation marks in any simple sense.

Fifth, he relentlessly ordered his discourse under heads duly subordinating points. But his “levels” of ordering are unclear and potentially confusing to the uninitiated reader.

It is clear we must be committed to the booklets as the copy text. Another kind of question then comes into focus: how should *they* be edited? A simple transcription of the booklets (including symbols, abbreviations, contractions, etc.) would leave us with an edition that bore little relationship to the enormously influential and widely distributed version that was eventually a document of consequence to American culture and beyond. It would also be an edition largely unintelligible, even to the theologically literate, without sustained effort.

The solution, I believe, is to issue several correlated versions so as to make possible use and study of this important text in at least several modes. Let me suggest a range of different *kinds* of text that might be issued, ordered in terms of increasing editorial intervention.

1. Photo-facsimile. This would retain all of the uniqueness of the original, sacrificing only access to such technical

matters as the texture of the paper or the quality and the color of the ink.

2. A type-face transcription. Though symbols and contractions might be retained in such a version, the regularization of spacing and of the formation of characters would represent a fundamental editorial transformation of a manuscript as unique as a sermon booklet.

3. An “extended” or full transcription. In such a version symbols would be translated and contractions completed. This would represent a further stage of editorial transformation of the text.

4. A “reading version.” Here the basic criterion would be, insofar as possible, what Jonathan Edwards would have given voice to (and his audience heard) in the initial “publication” of the sermon series from the pulpit. So beyond the completion of contractions and symbols, punctuation would be introduced (the beginnings and ends of sentences, commas to separate clauses, paragraph divisions, etc.) as well as words necessary to complete a phrase or connect several clauses. Parenthetically this was the “operative text” as transcribed by Jonathan Edwards, Jr., thirty years later and edited by Erskine. It would also be close, conceptually speaking, to the “literary text” Wilson Kimnach has described as latent in the booklets.

5. A further degree of editorial intervention is represented in the attempt already made by John Erskine to “perfect” the text in such a way as to fulfill at least in part the apparent intention Edwards had to transform the series of sermons into a treatise.

My judgement is to think that any one of these versions of the text would be inadequate; at least two are required. In my view, one of these should be a microfilm-facsimile and the other a reading version. The latter (the reading version) would permit access to the intelligible content of the these powerful lecture-sermons that had such cultural significance in the yet more developed printed version, but if judiciously edited it would also enable a scholar to work with the facsimile or original for which there can be no substitute.

In view of the significance I attach to the “reading version” I should comment that it is in some respects equivocal as a concept or model because there are at least three different references made by it. The first reference, as already suggested, is that it would approximate to what Jonathan Edwards intended to deliver or publish orally from the Northampton pulpit in 1739 insofar as that can be recovered from the text he prepared and actually used. Ideally it would represent what Jonathan Edwards read out; in fact we can only recover what he *intended* to read out before doing so. I see no way that a reading version can come any closer to the original delivery than that in the absence, for example, of extensive notes taken by one or more members of the congregation, or comments by a preacher himself about how his oral delivery departed from his intended delivery. So

one of the references, and the basic one, is to the text that Edwards read from.

A second reference I intend is that such a reading version should make it possible for others to read and make use of Jonathan Edwards' sermon booklets for the Redemption Discourse, decoding for their own scholarly purposes the manifestly difficult text made readily accessible in microform. Among the purposes I can imagine would be systematic analysis of his use of symbols, of his practices of spelling and contraction, of his stylistic development across his career, etc. This means, incidentally, that provision ought to be made to facilitate reference between the reading version and the original at particular points. So some scheme of crossnotation is in order.

A third reference I intend by calling it a reading version is that it ought to be readily intelligible, it ought to read well for the student or general reader—not to say scholar—genuinely interested in the intellectual substance of this culturally significant work. So in these terms a “reading version” carries a heavy burden if it is to fulfill this complex ideal. In light of this expanded discussion of the “reading version,” let me indicate briefly the kind of editorial treatment contemplated for it as “operative text.”

1. Unnoted editorial intervention. All symbols should be translated, for instance the dotted circle standing for world. Contractions should be completed unless they serve as the basis for pronunciation; “can't” would be left (a term with which we are familiar) as well as “ben't” (a familiar term in Edwards' own era). On the other hand, “r.,” “red.,” “redemp.,” etc. would all be rendered as “redemption.” Finally, paragraphs and punctuation should be inserted sensitive to the rhetorical basis of the sermon genre and the content of the sermon-lecture.

2. Editorial notation should be given with respect to the following kinds of editorial intervention, signalled by brackets where actual words are introduced: uncertain or possible readings wherever such occur (the number is very few), scripture verses left unquoted or incompletely written out, verbs or connectives necessary to render the text intelligible.

In addition to these two classes of change, the reading version should include marginal notes facilitating reference to either the microfilm-facsimile or the original manuscript. Where Jonathan Edwards edited his own text, his instructions to himself should be noted as well as followed. Where deletions suggest the probable saving of material (and thus its possible use elsewhere), these passages should be transcribed and made available in footnotes.

Let me stress the twofold objective that would guide presentation of a “reading version” of this sort:

1. To make Jonathan Edwards' Redemption Discourse available for scholarly and general use in a form that takes account of its original “oral publication,” recognizing that the historical influence of the work was through a version

later edited from the original and representing development of it to yet another stage. (Thanks to the Evans microtext series there is widespread access to early American printed editions of *A History of the Work of Redemption*, indeed originals remain in many collections.)

2. To make possible scholarly access to and use of the microfilm-facsimile (or the original manuscript booklets) for specialized and technical scholarly use.

No one version would achieve both of these objectives and no additional versions beyond these two would accomplish substantially more than they do taken together.

In conclusion let me offer the following comment. Of course all editing problems are unique, but to paraphrase George Orwell some are “uniquer than others.” I am not convinced that this particular solution would be advisable for all or even many essentially oral documents. I do think, however, that this solution addresses the special characteristics of *A History of the Work of Redemption*, and the practice of issuing correlated versions of texts may be underutilized in current editing practice. The morale, I suppose, is that different solutions, or different combinations of solutions, are necessary to address some of the more difficult issues we confront in editing oral documents, and determination of the appropriate one or ones is a burden that scholars must take up forthrightly.

Virginia Cavalcade Seeks Managing Editor

Managing Editor, *Virginia Cavalcade*. Full-time, permanent position. Responsible for quarterly, illustrated magazine of Virginia history. Graduate-level training in American history and research interests in Virginia history desirable. Demonstrated editorial and writing skills essential. Position currently vacant. Salary \$15,213 to \$20,791. State applications must be received by May 31, 1983. Contact Personnel Office, Virginia State Library, Richmond, Va. 23219. EEO/AA employer.

BOYD AWARD

Nominations are requested from the membership of the ADE for this year's Julian P. Boyd Award. Please write to W. W. Abbot, chairman of the committee, or its other members, Stanley Idzerda and Richard Leopold, with your suggestions.

Single-Editor Editions from Manuscript: The Journals of Theodore Parker

CAROL JOHNSTON

For at least a quarter century, and possibly longer, Theodore Parker recorded his daily thought and study, the details of a life of controversy and public achievement in his journal. Within the bulky journal volumes which once lined the shelves of his study, and which now rest in no less than a half-dozen libraries and private collections, is contained the history of one man thinking and acting in mid-nineteenth-century New England, the documentation of a life which was in almost every detail a fulfillment of Emerson's concept of the American Scholar. An abolitionist and reformer, Parker's career spanned the New England Renaissance: he contributed to the *Dial*; preached in West Roxbury; was a regular visitor to Brook Farm; attended most of the meetings of the Transcendental Club; edited the *Massachusetts Quarterly Review*; and numbered Ralph Waldo Emerson, George Ripley, William Henry Channing, Convers Francis, Margaret Fuller, Amos Bronson Alcott, and Elizabeth Palmer Peabody among his acquaintances. His *A Discourse on the Transient and Permanent in Christianity* was the great trauma of mid-nineteenth-century Unitarianism; his lectures in the Boston Melodeon in the 1840s and 1850s drew audiences of thousands; his stand on the Anthony Burns affair almost led to violence on the steps of Faneuil Hall.

There is, as yet, no growing awareness of Parker's importance in mid-nineteenth-century America, no consensus on the value of his work or the influence of the various controversies in which he was involved. In the late nineteenth century, when most of Parker's biographers fingered through his journals, the time was simply not ripe for an understanding of all that he had said and done, nor for a full appreciation of his personal failures and triumphs. For this reason, much more remains of the Parker journals than has been used. As a contribution to the biography of this reformer whose literary and social views markedly influenced the Boston of his day, the journals have a recognized importance; but they make other demands on the scholar as well, demands which are perhaps only as yet vaguely or partially perceived.

Anyone who undertakes to edit a text must necessarily make some basic decisions about the nature of that text and the purpose of the final edition. The editorial plan on which this edition is based was derived from a series of premises on the nature of the Parker manuscripts and on my purpose

in editing them. The journal manuscripts are massive, encyclopedic documents rendering Parker's thought coherently, if not always according to strict grammatical usage. They are private, unpublished documents written in a hand that is cramped and difficult to read, and the manuscript pages are complicated by unformed words, slurred endings, and an extensive use of personal abbreviation. In editing this document, my primary concern is to make the Parker journals available as rapidly as is consistent with the most elementary requirements for a scholarly edition—accuracy and completeness. My second concern is to present the text in a manner that will retain rather than obscure the inevitable nuance of the rough texture of the journal. The final product will be an unmodernized, critical, genetic-text edition. It will be unmodernized in the sense that spelling and punctuation will not be altered to conform to recent usage, critical in the sense that it will incorporate certain kinds of editorial emendations dictated by the editor's judgment, and genetic in the sense that cancellations and insertions will be noted directly in the text.

Theoretically, editorial policy and procedure were an outgrowth of my understanding of the nature of the manuscript—and not an imposition of editorial preconception; still, I find that the series of editorial decisions which I have made in the course of this project have been at times subjective, and this has led me to make certain conclusions about the nature of the editorial process and about the need for constructing working manuals for single-editor editions.

Like the stage-director, presented with the task of interpreting a script in a given production, the editor—after studying the documents to be edited—must decide *how* the material can best be presented to his audience. Like the stage-director, the editor's final product will not be a simple reproduction of that document, but an interpretation of it.

This idea is neither new nor unusual; as early as 1949 W. W. Greg defended his "Rationale of Copy-Text" as an attempt to uphold the essential "liberty of [editorial] judgement." Sometimes the decisions made by an editor are so thoughtless as to be hardly recognized as decisions at all; more often than not, however, they are the result of a painstaking, occasionally agonized study by the editor of his author and his text. Whereas the stage-director rightfully disguises the scaffolding of his production, it is the

responsibility of the editor to reveal as much as possible about the decision-making process in which he has been involved. I think this is best done, not in the limited confines of a textual introduction, but by constructing a working manual which describes in detail not only the history of a project, but pre-transcription procedures, transcription procedures, and editorial procedures. Although the need for such a manual as a means of assuring consistency in editions requiring the attention of numerous editors is obvious, the need for such a manual in projects involving a single editor is often overlooked. This is unfortunate since the formulation of consistent transcription procedure and editorial policy is as important to the single editor as it is to groups of editors. Additionally, a manual of this sort serves functional and historical purposes: (1) it insures a consistent transmission of editorial policy throughout the stages of the project, and (2) it provides scholars with a working knowledge of the problems involved in preparing a critical text of a specific document. The Parker journals offer several instances of textual problems and solutions which could be treated in such a manual.

In comparison to many editorial projects, the editing of the Parker journals appears to be a relatively easy task. The textual evidence is limited to a single holograph document and is not troubled by confusing or multiple readings. The editor's purpose, simply enough, is to determine as accurately as possible *what* is in the manuscript, and by imposing a limited yet consistent editorial policy on that material, to construct a readable but scholarly edition. For this reason, much of the Parker journals manual discusses the specific transcription procedures to be used in editing the manuscript.

Parker's handwriting is difficult, but not impossible; still, it poses some interesting problems. Of greatest concern to me was Parker's tendency to resort, in the haste of his thought, to unformed letters and words. Letters, word parts, and word endings seem to give up their individuality and become absorbed in the general form of a word.

There can be no question that what the reader intuits as "Young", when transcribed with photographic exactitude must be rendered "Youg", or that Parker's "ing" endings are often no more than a hump with a tail, or that his "ed" endings look remarkably like unformed "d"s. It would be inaccurate to transcribe these otherwise. Yet the mere proliferation of these unformed endings and word parts on each page does more than retain the "rough texture" of the journals; rendered in typescript and ultimately in print, it seems not so much the ill-formed product of a moment of inspiration as it does the uninspired fumbling of an illiterate.

My first thought was to expand these word forms; however, this solution did not seem viable for several reasons: (1) it would create an unwieldy apparatus, and (2) it did not validly indicate Parker's intent. Obviously, I needed to make a decision about Parker's handwriting; but just as obviously, I needed to be able to justify that decision. My first

step was to create a card file of Parker's letters—initial letters, medial letters, and final letters. I blew-up Xeroxes of several manuscript pages and snipped out various letters, letter groups, and word endings that were troubling me. The file not only helped familiarize me with the nuances of Parker's hand, but provided me with a tool for objectifying my own transcription procedures. Next, I transcribed the manuscript pages with photographic exactitude. This provided me with the data needed in the decision-making process. Reviewing the transcription, it was easy to see that nearly all of Parker's word endings were somehow slurred—in other words, that the appearance of these shortened forms was more a matter of a trick of the eye or the wrist than it was of authorial intent. In editing the manuscript, I decided to restore these endings, without emendation, much as a transcriber who discovered that he had been transcribing an author's small "c" as a capital "C" would on recognizing the author's intent go back and perfect his transcription.

Clearly, some editors would agree and others disagree with my final decision. Whatever the case, they should be given some kind of formal statement as to the reasoning behind this and other editorial decisions made in the course of the project. In terms of time, money, and energy, I have come to believe that it is no longer feasible to undertake any long-range editorial project without the construction of a working manual.

OAH Pamphlet

At the request of the Organization of American Historians' Committee on Public History, Suellen Hoy, assistant director of the North Carolina Division of Archives and History, Jeffrey J. Crow, editor-in-chief of the *North Carolina Historical Review* and administrator of the division's Historical Publications Section, have agreed to prepare a booklet on historical editing that will be published in 1984 as the third title in the organization's public history series. The booklet will not only review developments in the field of historical editing, recommend bibliographical materials, and list current graduate programs in historical editing but also suggest ways in which writing and editing can be taught to history students at various levels and demonstrate how these skills can serve students in their careers once they have completed their formal education. In preparing this publication, Hoy and Crow are seeking materials (descriptions of historical editing programs, syllabi of courses, bibliographical information, etc.) or suggestions related to the training of historical editors for documentaries as well as journals and monographs. Address all correspondence to Suellen Hoy, North Carolina Division of Archives and History, 109 E. Jones Street, Raleigh, N. C. 27611.

Dangerous to Documentary Editing: Copyright Office Report on Section 108

MICHAEL J. CRAWFORD

Ever since the 1976 copyright act went into effect, the Copyright Office has been interpreting the paragraphs that apply to library and archival reproduction of copyright-protected works in a way that could impair the ability of documentary editing projects to collect previously unpublished sources. In a report transmitted to Congress on 5 January this year, the Copyright Office has recommended that its interpretation be enacted into law. A brief explanation of the copyright law as it applies to unpublished written works will put the Register's report in context and elucidate the danger it poses.

Before enactment of the 1976 law (Public Law 94-553, Title 17, U.S. Code, Copyrights), protection of copyright in unpublished manuscripts in the United States was by common law, was perpetual so long as the work remained unpublished, and was administered by state governments. Under the 1976 law, the protection is statutory, is limited to the same duration as for published works, and is administered by the federal government. Protection extends through the life of the author plus fifty years (for anonymous works and works made for hire, 75 years from publication, or 100 years from creation, whichever is shorter). However, all unpublished works not in the public domain and already in existence when the act went into effect, 1 January 1978, are guaranteed at least 25 years of protection. Therefore, non-public letters, manuscripts, and other unpublished writings of all persons who died before A.D. 1953 will have copyright protection in the United States until A.D. 2003. Copyright resides in the author and his heirs (except in works for hire), not in the owner of the physical manuscript, unless the copyright has been transferred in writing.

Archivists can refer to either of two sections of the 1976 copyright law, sections 107 and 108, for authorization to photocopy materials for researchers. In section 107, Congress for the first time explicitly incorporated into law the doctrine of "fair use," the principle that copyright protection does not extend to quotations of relative brevity "for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." Rather than precisely defining the limits of what constitutes fair use, the law provides guidelines. The factors to be considered include: "the purpose and character of the use, including whether such use is of a

commercial nature or is for nonprofit educational purposes; the nature of the copyrighted work; the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and the effect of the use upon the potential market for or value of the copyrighted work." The Senate Judiciary Committee stated that "the applicability of the fair use provision to unpublished works is narrowly limited. . . . Under ordinary circumstances the copyright owner's 'right of first publication' would outweigh any needs of reproduction for classroom purposes" (U.S. Congress, Senate, Committee on the Judiciary, *Copyright Law Revision*, 94th Cong., 1st sess., 1976, S. Rept. 473, p. 64).

A private individual who copies or quotes, beyond the limits of fair use, a letter he owns, written by someone else, even if addressed to him infringes the copyright unless he has the copyright owner's permission. Libraries and archives do not own the copyright to manuscripts in their collections, unless the copyright has been transferred to them in writing, not by the donor or seller, but by the copyright owner. They may provide copies of these to researchers within the limits of fair use, but what those limits are for unpublished works has not been determined by statute or by the courts. Section 108 of the 1976 law, however, establishes certain exceptions for libraries and archives. Libraries and archives whose collections are open to the public may make a duplicate of a work for security, for preservation and for transfer to another library or archives whose collections are open to the public.

The controversy arises over subsections (d) and (e) of section 108, which allow libraries and archives to reproduce copyrighted works from their collections for researchers. Paragraph (d) authorizes the reproduction and distribution to a researcher "of no more than one article or other contribution to a copyrighted collection or periodical issue, or . . . of a small part of any other copyrighted work." Paragraph (e) authorizes the reproduction and distribution to a researcher of the entire work, or a substantial part of it "if the library or archives has first determined, on the basis of a reasonable investigation, that a copy . . . cannot be obtained at a fair price." When the law was first enacted most archivists assumed that these paragraphs applied to unpublished manuscript records as well as to published works, since both types of materials are protected by copyright. In

1977, however, Barbara Ringer, then Register of Copyrights, stated at a session of the Society of American Archivists that these two paragraphs apply only to published works. In 1980 the Society of American Archivists urged that the two paragraphs be clarified by Congress and that their applicability to unpublished materials be confirmed.

A provision of the 1976 law required the Register of Copyrights, five years after its implementation, to report on section 108 and make recommendations for rectifying any imbalances that may have become manifest between the rights of copyright owners and the legitimate needs of users of copyrighted materials. On 5 January 1983, in fulfillment of this requirement, David Ladd transmitted to Congress his *Report of the Register of Copyrights: Library Reproduction of Copyrighted Works (17 U.S.C., 108)* (Library of Congress: Washington, D.C., 1983). In this report, Ladd rejects the Society of American Archivists' recommendation and proposes an amendment to make it clear that 108 (d) and (e) apply exclusively to published works. He argues that Congress never intended to authorize infringement of the copyright owner's right of first publication, and that "the critical needs of users for access to unpublished materials are provided for adequately" by the provisions that allow for libraries and archives to duplicate unpublished works for deposit in other libraries and archives (108, b), and that preempt common law by placing a statutory limit to the duration of copyright in unpublished works (section 301).

In opposition to the argument in favor of the copyright owner's right of first publication, several arguments support the contention that 108 (d) and (e) should be interpreted as applying to unpublished as well as to published works. Elsewhere in the act Congress was careful to state explicitly if a provision applied only to published or unpublished materials; these two paragraphs refer simply to a "copyrighted work," under which term unpublished works, now protected by statutory copyright, plausibly should be subsumed. The paragraphs also refer to "the collection of an . . . archives," which consists in most cases of unpublished materials. Section 108, f, 4, says that the provisions allowing library and archival reproduction do not nullify express contractual prohibitions against reproduction. The House Committee on the Judiciary explained that this regulation "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" (U.S. Congress, House of Representatives, Committee on the Judiciary, *Copyright Law Revision*, 94th Cong., 2d. sess., 1976, H. Rept. 1476, p. 77). The committee's explanation would make little sense unless Congress intended that paragraphs (d) and (e) apply to unpublished works.

If Congress were to adopt the Register of Copyrights' recommendation, the relationship between archivists and researchers could change substantially. Archivists might

hesitate to photocopy manuscripts for researchers who visited the archives. Researchers then would have to copy manuscripts manually, unless themselves permitted to use the photocopying machines unsupervised. Archivists might hesitate to send photocopies of manuscripts directly to researchers in different parts. Then researchers who could not travel to the archives that held the required manuscripts would have to persuade a local library or archives to request copies for deposit. The impediments such arrangements would put upon research are imponderable. Examples are unnecessary.

It is unthinkable that Congress intended these ramifications when it enacted the 1976 copyright law. The likelihood of Congress' acting on the Copyright Office's proposed amendment any time soon seems remote, but the threat to research is real. The present danger is that, in light of the Copyright Office's interpretation of the law, archivists and librarians may become less cooperative in supplying photocopies of manuscript materials to scholars.

Correction

We regret that some errors appeared in Jo Ann Boydston's article on "The Library of America" in the December 1982 *Newsletter* (pp. 1–5). Following are the correct readings: on p. 2, col. 2, 1. 2: "Society for Textual Studies" should be "Society for Textual Scholarship"; p. 2, col. 2, 1. 8: "Library" should be "Library"; p. 3, col. 2, 11. 50–51–col. 2, 1. 1: "A number of reviewers have implied that MLA–CEAA/CSE texts would be used when officially 'approved' texts were not available." should be "A number of reviewers have implied that MLA–CEAA/CSE texts would be used when available—as if automatically—and 'first editions' would be used when officially 'approved' texts were not available."; and p. 3, col. 2, 1. 16: "realiable" should be "reliable".

Job Placement

The ADE is offering job placement assistance on an experimental basis. If you know of positions in which ADE members might be interested, please contact:

David W. Hirst
The Papers of Woodrow Wilson
Firestone Library
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Optical Scanning and CINDEX: Tools for Creating a Cumulative Index to the Laurens Papers

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When the Papers of Henry Laurens project published its first volume in 1968, computers were still very much the domain of our scientific colleagues. Only a handful of humanists like Wilhelm Ott in Germany and Eric Boem in the United States had begun to realize the computer's potential for eliminating some of the drudgery associated with publishing scholarly materials. Today, computer assistance has become the sine qua non for almost every large-scale edition. Older editions like the Laurens Papers have had to automate their procedures gradually—moving step-by-step to replace traditional methods with computer-assisted methods.

The Laurens Papers began that process in 1975 and the process continues today. The first task identified for computer assistance back in 1975 was the making of single-volume indexes and ultimately the ability to create a cumulative index. By the end of 1976, a computer-assisted indexing system had become a reality. That indexing system was given the name CINDEX—an acronym for Cumulative INDEX. Although the system could produce only single-volume indexes, the acronym was chosen to reflect the project's objective of creating a multi-volume index.

CINDEF was a major step forward because it made the creation of the next four single-volume indexes much faster and improved indexing accuracy. During that same period refinement of the CINDEF programs continued, and in 1981, CINDEF reached the point of being able to merge single-volume indexes and to produce from that merge the project's first cumulative index. At that point the cumulative index included only Volumes 6–9; access to Volumes 1–5 was still limited to the individual indexes for those volumes. As we found the cumulative index more and more useful in preparing the next volume, we turned our attention to the question of integrating those first five indexes into a full-scale cumulative index. Several solutions to the problem seemed feasible.

The most straight-forward method of converting the old indexes was to have someone retype the old indexes at a computer terminal. The old indexes totaled about 200 printed pages or something like 600,000 characters. Estimated entry time was about 150 hours, or approximately \$1500. A second method (and the method ultimately chosen) was to capture the old indexes in machine-readable

form through optical scanning of the printed text. Although the initial cost estimate for scanning was \$1200, the actual cost proved to be \$384.

The optical scanning of the printed indexes was handled by a commercial service bureau using a Kurzweil data entry system. The Kurzweil is one of the more sophisticated scanners in use today because of its ability to “learn” almost any printed character font. For modern printed materials, the learning time on a Kurzweil often is less than 30 minutes when done by a skilled operator.

The decision to scan the indexes rested not only on cost, but on accuracy as well. The first utilization of optical scanning for the Laurens project had taken place in 1980 when about 6,000 pages of typescript were scanned by a commercial service bureau. In that first experience the accuracy rate of 75% had been cost effective, but had created more work for the staff than initially anticipated. When the Kurzweil scanner subsequently became available, tests on recently published books provided a recognition rate of better than 99% accuracy. With that kind of accuracy rate optical scanning became very attractive. Let me emphasize, however, that the 99% accuracy rate applies only to modern printed materials; our tests with nineteenth-century books and newspapers have been very disappointing.

The final factor which led to the decision to optically scan the indexes was the ability to reformat them so that they could be processed by CINDEF. The critical issue was whether or not the reformatting could be handled by computer processing once the machine-readable index files had been created. A careful analysis of the old indexes revealed that a computer program could be devised to reformat the indexes for CINDEF. (The Laurens project is somewhat unique in having a full-time programmer as a member of its staff. The staff programmer not only provides support for computer applications at the Laurens project, but for other projects which use CINDEF.) Once the general assessment had been completed, the work began.

The procedures used in creating the cumulative index for the first nine volumes can be broken down as follow:

1. Development of a test program to convert the scanned indexes into files which could be read by CINDEF.

2. Development of scanning specifications to retain characteristics which allowed the conversion program to format the indexes for CINDEK.
3. Scanning of the old indexes by a service bureau.
4. Proofreading of the scanned files.
5. Development of the final conversion program.
6. Processing of the scanned files and merging through CINDEK to produce the cumulative index.

In essence, the approach used here was almost circular. The system design started with the final product and worked backwards to the input. Programs were then written to accomplish the specific tasks. Finally, the work itself was done. Although this may sound complicated, only one new program was required—the conversion program. The actual time involved in creating this new application was less than a day. The system design took about two hours; the new program took about four hours.

The key factor which made it possible to convert the printed indexes into files which could be processed by CINDEK was the regular format of the indexes. In the case of the Laurens indexes, the printed format is a run-on style with a hanging indent. Main entries begin at the left margin and subsequent lines are indented. A semicolon is used to separate a main entry and its subentries; a semicolon is also used as a separator between two subentries. In other words, every subentry is preceded by a semicolon. Thus, main entries could be identified because of their unique position and subentries because they are preceded by unique punctuation. The conversion of the printed files to CINDEK files is perhaps most easily seen by referring to examples.

The process was not without its pitfalls. One was the failure to communicate adequately with the service bureau which scanned the files. Although explicit instructions for retaining font changes from roman to italic were given by telephone, the vender's representative failed to give those instructions to the person who operated the Kurzweil scanner. Thus, text to be set in italics had to be marked during the proofreading stage. Nor did the contractor understand that spacing used in the printed version was to be retained. The original files returned to the project made it impossible to determine when a main entry began. Fortunately, the contractor still had the original scanner files on hand and was able to easily rectify that mistake. Obviously, instructions regarding the scanning of files like these need to be transmitted in writing and then verified orally.

Another problem was the amount of time required for proofreading. An average volume index required about 16 hours to proof, or about 80 hours for the five volume indexes. Had this been anticipated, it would have been better to have considered scanning the indexes twice. Statistically, a machine collation of the same files scanned by different contractors would probably have resulted in a greater accuracy rate than the tandem proofreading we used. (Peter Shillingsburg at the Thackeray edition has demonstrated

Abatement, 19
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 Adams, William, 238
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 Administrators, 59n, 241
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 Adventure, M.W., 26, 27, 39, 43, 61, 67, 73, 83, 94, 102, 127, 135, 137
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 Africa, 288n, 348

Fig. 1. First page of printed index in Laurens edition. Main entries begin in Column 1; subentries are preceded by semicolon.

that machine collation produces better proofreading results than a manual procedure.)

Although this particular activity was related specifically to the Laurens project, the process is one which can be adapted to other projects. For example, the staff of the Jefferson Papers at Princeton is now in the midst of using CINDEK to merge the indexes for the first twenty volumes of that series. The Jefferson project is more complex, however, because each of the indexes has been extensively revised. The major advantage to both the Laurens and Jefferson projects has been the ability of the computer to provide a correctly sorted cumulative index which can serve as the basis for further editing and refinement. The process of merging files to produce a multi-volume index usually takes less than five minutes for a 10-volume index.

Abatement, 19
 Abercrombie, Capt., 154, 161
 Accounts, Open, 174, 381
 Act (English) for extending and
 improving the trade to Africa, 44n
 Adams, Capt. (@Molly@), 262, 264, 265,
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 171
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 Advertisements, 240-243
 Africa, 115n, 201n, 202n, 212, 224n,
 242, 245, 249, 252, 258, 264n, 271,
 288n, 295n, 296n; @See also@ Angola, Bite,
 Bonny, Cameroon, Cape Mount,

Fig. 2. Scanned file created from first page of printed index in the Laurens edition. 'At' signs indicate italic font.

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??VOL(1)
Abatement* 19 *
Abercrombie, Capt.* 154, 161 *
Accounts, Open* 174, 381 *
Act (English) for extending and improving the trade to
  Africa* 44n *
Adams, Capt. (@Molly@)* 262, 264, 265, 323 *
Adams, Capt. (@Two Brothers@)* 169, 171 *
Adams, James* 87, 91, 213 *
Adams, William* 238 *
Addison, Benjamin* 3n, 54n, 60, 65, 88, 104, 196*
  @See also@ Laurens & Addison **
Administrators* 59n, 241 *
Admirals* 300, 301, 313, 314 *
@Adventure@* 161, 185 *
@Adventure@, M.W.* 26, 27, 39, 43, 61, 67, 73, 83, 94, 102,
  127, 135, 137 *
Advertisements* 240-243 *
Africa* 115n, 201n, 202n, 212, 224n, 242, 245, 249, 252,
  258, 264n, 271, 288n, 295n, 296n*
  @See also@ Angola, Bite, Bonny, Cameroon, Cape Mount
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  Leone, Windward Coast **
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Fig. 3. Cindex input file created from scanned file of printed index. Format is in 'edit' file format, not basic input file format for CINDEK.

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 to provide bounties for poor Protestants (1761),
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 to provide poor relief (1736), IV: 656n
 to regulate administrators of estates, V: 174
 to regulate slavery, V: 23
 to regulate streets, IV: 293n; V: 238n
 to regulate transient traders, V: 546n
 to regulate wharfage and storage, V: 238n
 to repair Combahee Bridge, IV: 565n
 See also Circuit Court Act; Currency Act (1765);
 Currency Act (1769); Negro Act (1714); Negro Act
 (1740)
 See also Circuit Court Act; Jury Act
 See also Circuit Court Acts, Negro Duty Act of
 1764, Tax Act of 1765, Tax Act of 1766, Tax Act
 of 1767, Tax Act of 1768
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