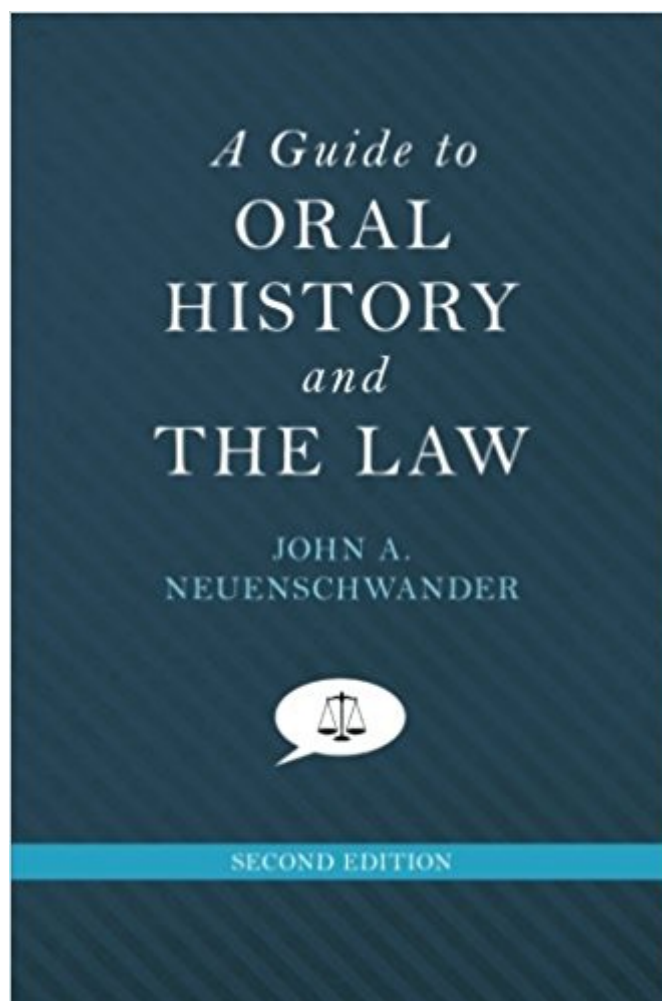


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# A Guide To Oral History And The Law (Oxford Oral History Series)



## Synopsis

According to the Oral History Association, the term oral history refers to "a method of recording and preserving oral testimony" which results in a verbal document that is "made available in different forms to other users, researchers, and the public." Ordinarily such an academic process would seem to be far removed from legal challenges. Unfortunately this is not the case. While the field has not become a legal minefield, given its tremendous growth and increasing focus on contemporary topics, more legal troubles could well lie ahead if sound procedures are not put in place and periodically revisited. *A Guide to Oral History and the Law* is the definitive resource for all oral history practitioners. In clear, accessible language it thoroughly explains all of the major legal issues including legal release agreements, the protection of restricted interviews, the privacy torts (including defamation), copyright, the impact of the Internet, and the role of Institutional Review Boards (IRBs). The author accomplishes this by examining the most relevant court cases and citing examples of policies and procedures that oral history programs have used to avoid legal difficulties. Neuenschwander's central focus throughout the book is on prevention rather than litigation. He underscores this approach by strongly emphasizing how close adherence to the Oral History Association's Principles and Best Practices provides the best foundation for developing sound legal policies. The book also provides more than a dozen sample legal release agreements that are applicable to a wide variety of situations. This volume is an essential one for all oral historians regardless of their interviewing focus.

## Book Information

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## Customer Reviews

"A careful reading of this book will benefit anyone seeking to conduct, publish, or manage oral history interviews to high ethical standards and with low legal risk."--National Genealogical Society Quarterly

"What this excellent volume does provide, in an interesting, well-read, carefully-developed manner, is a strong practical foundation for oral historians to stand upon in advance of their enterprise."--American Journal of Legal History

"All historians whose subjects are still alive will benefit from this book, and I suspect that all historians will enjoy the crisp narrative. I hope this book finds its way into the hands of many historians and I look forward to hearing more about the ways that law shapes how we behave as historians, as we try to negotiate copyright and privacy law."--Oral History Review

"Here is the essential legal guide for all those who interview, collect interviews for libraries and archives, or use interviews for their own research. As a history professor, lawyer, and judge, John Neuenschwander is uniquely qualified to explain the various aspects of oral history and the law and to help oral historians avoid legal problems and resolve those issues their work may encounter."--Donald A. Ritchie, author of *Doing Oral History*

"John Neuenschwander is the undisputed expert regarding the legal aspects of oral history. He has been an outstanding and visible presence for practitioners in this field, and his writings have successfully addressed a significant need."--Libby Van Cleve, Yale University

"This book is a 'must read' for oral historians, records managers, archivists, manuscript curators, librarians and lawyers who advise them."--Gary M. Peterson, Esq., co-author of *Archives and Manuscript Law*

"[A] lively and accessible guide."--Oral History

"Neuenschwander's clear articulation of ethical standards and their relationship to legal issues fills the gap when there is little or no precedent."--The American Archivist

John A. Neuenschwander is Professor Emeritus of History at Carthage College. He also served as a municipal judge in Kenosha, Wisconsin for more than 25 years before retiring from the bench in 2012.

This short book is an essential resource for those establishing an oral history program or beginning a research project in oral history. Neuenschwander supports the Oral History Association's Principles and Best Practices and explains why some of them are so important. The book is aimed at preventing litigation that might arise from oral history interviews and raising ethical concerns about the conduct, storing, and use of oral history interviews. Neuenschwander reviews relevant case history. There is not much directly related to oral history--the main example of this is the subpoena of oral histories as part of a criminal investigation of activities during the Troubles in

Northern Ireland as part of Boston College's oral history project. The university was unable to resist turning over the interviews, despite assurances by the interviewers that the materials would be kept confidential. The interviews were not protected by press privilege, nor by a theoretical and related academic privilege. No archive privilege exists, either. Therefore, interviewers cannot legally or ethically guarantee confidentiality. Other topics discussed in the volume include copyright, deed of gift forms, defamation liability, online publication of interview materials, and Institutional Review Boards. Strongly recommended, as it raises legal and ethical issues that one might not otherwise consider.

this book is well written and very detailed a must have for all oral historians a very good book for people considering a career as an oral historian has great templates

Thank you!

We ordered this book to add to our reference library. It may or may not get much use, but it is important since we have many oral histories.

Very good overview in layman's terms.

If you are doing oral history this is a required book. If you are not then why are you even reading this review?

I am contemplating beginning collecting personal histories of my parents (and possibly other people in the future). I knew zero about the legal issues of collecting oral histories. This book was fantastic for educating me. Well worth the money. Definitely one to keep on the book shelf as a reference.

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