
MEMO TO THE ATOS BOARD OF DIRECTORS

TO: COL(R) Michael W. Hartley, Chairman Of The Board;
ATOS Board Of Directors

FROM: Allen Miller, Chairman Archives & Library Relocation Committee¹;
COL(R) Michael W. Hartley, Bob Evans, Ken Double, Jelani Eddington,
Committee Members

DATE: June 24, 2010

RE: Oklahoma University Archive Partnership & Negotiation

EXECUTIVE SUMMARY

On May 19, 2010, COL(R) Michael Hartley, Allen Miller, Bob Evans, Ken Double, and Jelani Eddington met with representatives of the American Organ Institute (“AOI”)² in Norman, Oklahoma with respect to the possible donation of the ATOS Archive to the AOI. The negotiations were extremely successful and took place in an atmosphere of cooperation and mutual respect, coupled with a sincere interest on both sides of preserving the legacy of the theatre pipe organ through the establishment of the **American Theatre Organ Library (“ATOL”)**—the largest theatre organ library in the world. The ATOL would be a part of the existing AOI Archive & Library, with the ATOS Archive forming the cornerstone collection within the ATOL.

The Committee and the AOI reached agreement³ on all essential terms of an eventual donation of the Archive to the AOI, subject to formal approval from the appropriate authorities. Both sides emphasized the importance of forming a long-lasting and far-reaching partnership between the AOI and ATOS with respect to the establishment of this library.

On June 9, 2010, the ATOS Board voted to approve the proposals discussed in this memo. Revisions and/or changes to the proposal and eventual finalized Deed Of Gift based on feedback from the AOI and/or the University will require further Board action.

I. BACKGROUND

For the eleven years preceding May 2010, the ATOS Archive⁴ has been stored at the Rialto Square Theatre in Joliet, Illinois. Sadly, during this time the Archive has very rarely been used by ATOS members or others. Available records from the past eleven years reflect the following sparse use of the Archive:

¹ The Archive & Library Relocation Committee (herein “**Committee**”) is comprised of the following members: Allen Miller (Chairman), COL(R) Michael Hartley (*ex-officio*), Bob Evans, Paul Van Der Molen, Jelani Eddington, Ken Double, Vern Bickel, Clark Wilson, Carlton Smith, and James & Dolores Patak.

² The representatives of the AOI consisted primarily of Dr. John Schwandt (AOI Director), John Riester (AOI Pipe Shop Manager), Bob Wilhelm (AOI Shop Support), and Craig Sproat (Organ Performance Doctoral Graduate Assistant)

³ The words “agreed” or “agreement” used in this memo indicate a tentative agreement between ATOS and the AOI. The agreement will be complete only when it has been approved and executed in its final form by both parties.

⁴ The ATOS Archive consists of the material from the Rialto Square Theatre as well as the contents of a storage warehouse in Minot, North Dakota from the Eric Reeve collection. Unless otherwise clear from the context, for the purposes of this memo, the term “Archive” will refer both to the contents of the Rialto and the warehouse in Minot.

- 374 pages photocopied (mostly of sheet music or books with an average copy order of between 20 and 60 pages), representing roughly 30-40 unique copy requests (on average 4 requests per year)
- 424 cassette copies of CDs and cassettes (on average 39 requests per year);
- 41 copies of CDs. (on average 4 requests per year).

On January 30, 2010, the Board voted to begin negotiations with the University of Oklahoma to establish the conditions for a possible donation of the ATOS Archive to the AOI. As has been reported numerous times, this action was taken to ensure that the Archive would be protected, catalogued, and made accessible to the public from within a well-respected, top-tier research University. From the outset, the Board felt it important to cultivate an ongoing partnership with the AOI in order best to protect the Archive and the interests of ATOS.

It was particularly important to the Committee that the AOI had already established its own Archive & Library, which has received many significant archival donations to date. The vision of the AOI Archive & Library is to collect and maintain the country's top research library relating to all aspects of the American Pipe Organ, including the theatre pipe organ.

In the immediate short term, the Archive needed to be moved from storage at the Rialto. As such, the contents of the Archive at the Rialto were placed into two large storage PODS® on May 6, 2010. Those PODS® remain secured in the Chicago area pending a final decision on the disposition of the Archive.

Members of the Committee conducted extensive telephone and email discussions in the days and weeks preceding the May 19th negotiations with the AOI. In addition, the Committee has received and carefully studied numerous questions, concerns, and suggestions both from Board members and from ATOS members at large. These discussions revealed several key issues for resolution with the AOI, including:

- Creation and safe-keeping of a long-lasting, permanent library relating to the theatre organ and its history that can serve as an important and valuable research tool;
- The importance of maintaining the ATOL intact, including those materials that may later be donated;
- Reversion of ownership in the ATOL to ATOS in the event the AOI ceases to exist or the AOI/OU were unwilling or unable to maintain the ATOL;
- Sorting and culling of material (some of which is not germane to a theatre organ library);
- Access to the ATOL for ATOS members;
- Maintenance of generally accepted archival standards and safeguards for the protection of archival material.

Each of these items was discussed at great length during negotiations with the AOI.

The AOI, for its part, had also done extensive preparation to advise the Committee of its concerns and requirements. The AOI advised that its long-term plans include maintaining a separate facility dedicated to its Archive & Library. In the short term, the ATOS Archive will be maintained in secure storage on the OU campus.

II. THE AMERICAN THEATRE ORGAN LIBRARY (ATOL)

A. Creation & Maintenance Intact

At the heart of the ATOS-AOI partnership lies the creation of the American Theatre Organ Library ("ATOL"), the purpose of which is to serve as a permanent repository for documents, recordings, and other material relevant to the history and art of the theatre organ. The ATOL would be owned, maintained, and operated by the AOI within its already-existing Archive & Library and **would be the largest and most significant research library for the theatre organ in existence anywhere in the world.** Included within the ATOL would be the entire contents of the ATOS Archive, together with any other material donated to the ATOL by ATOS or by third parties in the future.

It is important that the ATOL remain intact, as its value would be greatly diminished if there were a likelihood that material from the ATOL could be siphoned off or broken apart. To that end, a significant aspect of the AOI-ATOS discussions centered around the importance of maintaining the ATOL intact.

B. Disposition Of The ATOL

Chief among the concerns voiced by Board members and ATOS members regards the disposition of archival material in the unlikely event that the AOI would be uninterested in or unable to maintain the materials. Because of the importance of maintaining the ATOL intact, the Deed Of Gift provides that upon the occurrence of certain carefully defined events (such as the AOI being uninterested in the ATOL), ATOS would have the right to repossess the entire ATOL, authorize the transfer of the ATOL to a third party or organization, or otherwise authorize the disposition of the ATOL.

In addition, ATOS and the AOI have agreed to a procedure whereby should the AOI determine in good faith that multiple duplicates of a given title, or material in poor condition should not be retained in the ATOL, ATOS would have the right at least once annually to review the information prior to the AOI taking any final action to dispose of the material.

C. Facilities & Operation Of The ATOL

Prior to our negotiations on May 19th, the AOI drafted and prepared a detailed 11-page document outlining the library and archival practices of the AOI. These policies are in accord with the rules in effect throughout all of the University's libraries and would also apply to the ATOL.

The thoroughly-researched policy addresses the rules, regulations, and procedures relating to numerous topics, including:

- Food & beverage use
- Use of cell phones
- Computer access
- Copyrights
- Catalogue & Circulation
- Digitizing & Copying
- Donation Of Materials
- Management & Preservation Guidelines

It is the view of the Committee that these policies more than satisfy the generally accepted library and archival practices that will ensure that all materials in the ATOL are protected.

D. ATOS Membership Access To The ATOL

Any ATOS member would have the right to access the ATOL at reasonable times and during normal operational hours. Any access to the ATOL (by an ATOS member or anyone else) would be subject to all the rules, procedures, and policies of the AOI.

The University presently maintains several specialized library and archival collections. The AOI organized a visit for our Committee to three such collections, including the Western History Collection, the Fine Arts Library, and the History Of Science Collection. Information from the History Of Science Collection, including an example of a 15th-century player organ, is included as Attachment B.

The librarian of the Western History Collection explained that each researcher must register with the librarian at the start of each research session. The researcher fills in a registration form that identifies the area of research and binds the researcher to agree to the rules of the collection. This is the type of procedure that would be used for an ATOS member conducting research in the ATOL. A sample Reader Registration Form is included as Attachment A.

III. CULLING & SORTING

In May 2006, ATOS adopted an Archive Collections Policy to clarify the material that is pertinent to the collection and that which is not.⁵ While much of the material within the Archive falls within the scope of the collections policy, some clearly does not. Accordingly, material that is not germane to the collection will need to be sorted and removed prior to the inclusion of the Archive in the ATOL.

The Committee and the AOI discussed a procedure for collaboratively removing information that falls outside the collections policy. Among the most important items that are not germane to the Archive are the corporate records (minutes, reports, etc.) of ATOS. The Board will need to decide what to do with these records.

IV. DEEDS OF GIFT

All property that is included in the AOI Archives & Library, including material to become part of the ATOL either from ATOS or from a third party, **must** be donated pursuant to a written Deed Of Gift. There are three separate Deeds Of Gift that are relevant to our discussion:

- the Deed of Gift between ATOS and the AOI (the “ATOS Deed”)
- the standard “boilerplate” Deed Of Gift between the AOI and any third party donating theatre organ materials to the ATOL (the “Third-Party ATOL Deed”); and
- the standard “boilerplate” Deed of Gift for parties donating **non**-theatre organ material to the AOI Archive & Library (the “General Non-ATOL Deed”)

A. ATOS-AOI Deed Of Gift

Upon execution by both parties, the ATOS Deed will govern all terms and conditions of ATOS’ donation of its Archive to the University, together with any material ATOS would donate in the future to the AOI for inclusion in the ATOL. The ATOS Deed will also govern the terms under which ownership in the ATOL would revert to ATOS.

⁵ The ATOS Collections Policy ¶ 2(d) provides: “The American Theatre Organ Society Archive actively pursues the acquisition and preservation of historic, primary research materials specifically related to the theatre pipe organ, theatre organists, and the corporate activities of ATOS and its chapters. These materials include photos, stoplists, and specifications of theatre organ installations; contracts, correspondence, blueprints, engineering documents, and business records pertaining to theatre organ installations and theatre organ builders; photos, correspondence, performance contracts, programs, recordings and scores as they relate specifically to the activities of theatre organists and theatre organ personalities; books, drafts, transcripts, lectures, interviews and other publications related to the theatre pipe organ; silent film scores, pedagogues, and music specifically composed, arranged, or adapted for the theatre organ; oral histories, written reminiscences, and other documents or artifacts relating specifically to the theatre organ”

B. Third-Party ATOL Deed Of Gift

In addition to the ATOS Deed, the parties discussed the standard “boilerplate” Third-Party Deed to be negotiated between the AOI and any third party donating material to the ATOL. It is important that the Third-Party Deed be consistent with the material terms of the ATOS Deed.

C. General Non-ATOL Deed Of Gift

Archival donations to the AOI that are not related to the theatre organ will be included within the general AOI Archive & Library and will not be part of the ATOL. These donations will be made under the General Non-ATOL Deed Of Gift.

V. FUNDING

In order to realize the partnership between ATOS and AOI with respect to the ATOL, the AOI will need to find a methodology of funding this project. The AOI has made clear that it is working on securing its own funding for this project and has confirmed its commitment to creating a suitable permanent home for the ATOL, thereby ensuring the long-term legacy of the theatre organ and the ATOS Archive. Financial support from ATOS will help not only to cultivate a lasting partnership with the AOI, but will also assist the AOI in realizing its commitment to our archival materials.

The recurring cost to ATOS for storing the Archive in Joliet and Minot was just under \$14,000.00 annually,⁶ plus the cost of bringing the former curators to mid-year and annual meetings.⁷ The proposal the Board carefully reviewed for storing the Archive in a warehouse in Chicago would have entailed a far greater annual expense in excess of \$20,000.00. Under the terms of that proposal, ATOS would have spent well over \$100,000.00 during the term of the warehouse lease just on **storage alone** for the Archive. Obviously, this huge cost would not include any expenses associated with cataloguing, digitization, maintenance, or engaging the services of a professional archivist or librarian to care for the Archive.

If the parties successfully execute the Deed Of Gift, ATOS would therefore eliminate anywhere from \$20,000-\$25,000 of anticipated annual expense for the Archive.

The Committee discussed with the AOI a proposal whereby ATOS could use the approximately \$20,000 that would have been spent on storing the Archive in the warehouse, and invest that sum in creating a partnership with the AOI. Under this proposal, ATOS would fund two interdisciplinary graduate assistant (GA) positions for an initial term of one or two years.⁸ One GA would be selected from the School of Music (preferably an organ student), and one would be selected from the School of Library Sciences. These GAs would work with the AOI to sort, catalog, digitize, and otherwise maintain the ATOL. ATOS' funding would thereby directly support the protection, care, and long-term maintenance of these materials.

CONCLUSION & RECOMMENDATION

The Committee has done extensive work to carry out the Board's mandate to begin negotiations with the AOI. In so doing, the Committee has carefully reviewed and considered the comments, concerns, and suggestions from Board members and from ATOS members. At all times, those concerns remained at the center of the Committee's negotiations with the AOI.

⁶ Monthly rent was \$848.50 at the Rialto Square Theatre and \$269.00 in Minot, ND, for a total of \$1,117.50 per month and \$13,410.00 per year. Insurance is estimated at approximately \$500.00 per year, for a total annual storage cost of \$13,910.00.

⁷ The estimated annual cost of bringing two curators to an annual and mid-year meeting is approximately \$2,000.00.

⁸ The estimated cost to fund a graduate assistant position, pending final financial analysis from the AOI, is approximately \$10,000 per position.

It is the view of the Committee that the proposed ATOS Deed Of Gift fully protects ATOS' interests and, most importantly, ensures that a workable partnership exists between ATOS and the AOI with respect to establishing the long-term legacy of the Archive. The Deed Of Gift has also been favorably reviewed by the ATOS attorney, Dolton McAlpin.

Partnering with the University Of Oklahoma and the American Organ Institute represents a tremendous and exciting opportunity for ATOS to preserve both the history ***and future*** of the theatre organ and the Archive.

ATTACHMENTS

- Attachment A: Western History Collections Reader Registration Form
- Attachment B: History Of Science Collection / Technology & The Early Printed Book

ATTACHMENT A

**WESTERN HISTORY COLLECTIONS
READER REGISTRATION FORM**

University of Oklahoma Libraries
Western History Collections

Reader Registration Form

Name: _____ Date: _____

Address: _____
(Street Address, City, State, ZIP code)

Telephone: _____ E-mail: _____

Identification: (check one)

___ OU Faculty ___ OU Undergraduate ___ OU Graduate ___ OU Staff ___ Department or Major: _____

___ Other College / University (non-OU): _____ Faculty / Staff / Undergraduate / Graduate

___ Independent Researcher ___ Other: _____

Purpose of Research: (check one)

___ Class Assignment ___ M.A. Thesis ___ Web Site ___ OU Administrative Use
___ Article ___ PhD Dissertation ___ Family History ___ Film/Television
___ Book ___ Exhibit / Display ___ Tribal History ___ Other: _____

What Is Your Research Topic? (check one)

___ Native American studies/history ___ Genealogy ___ General western history ___ Military history
___ Anthropology ___ Women's studies ___ Other: _____

How Did You Learn of WHC's Holdings? (check one)

___ From a Person ___ OU Web site ___ Non-OU Web site:
___ Direct inquiry to WHC ___ Published guide to WHC ___ Referral by other library: _____
___ Article/Book citation ___ Bibliography ___ Other: _____

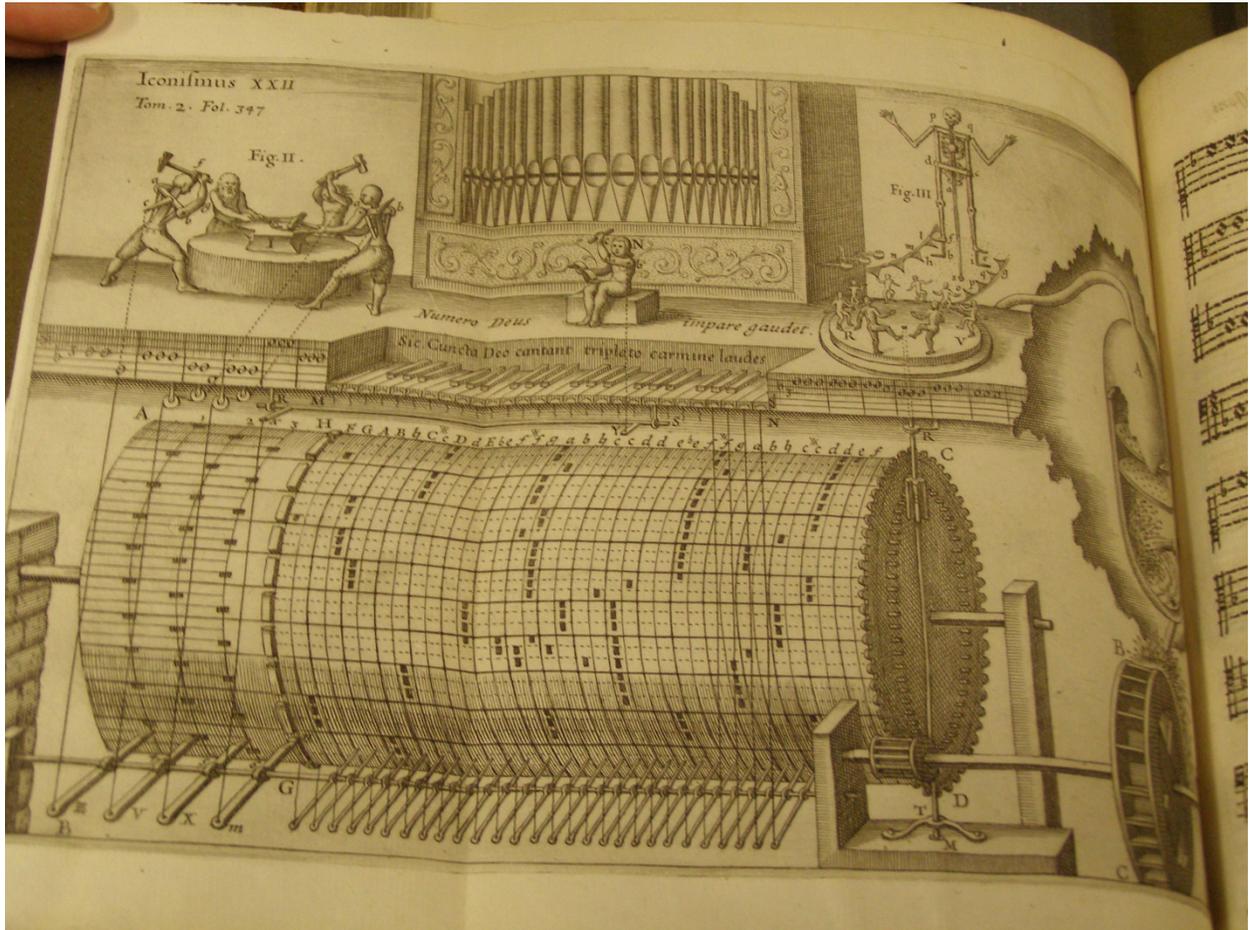
Agreement: I have read and agree to abide by the Western History Collections' Reading Room Rules. I agree to indemnify and hold harmless the University, its officers, employees and agents from any and all claims resulting from the use of materials in the Western History Collections.

Signature: _____ Date: _____

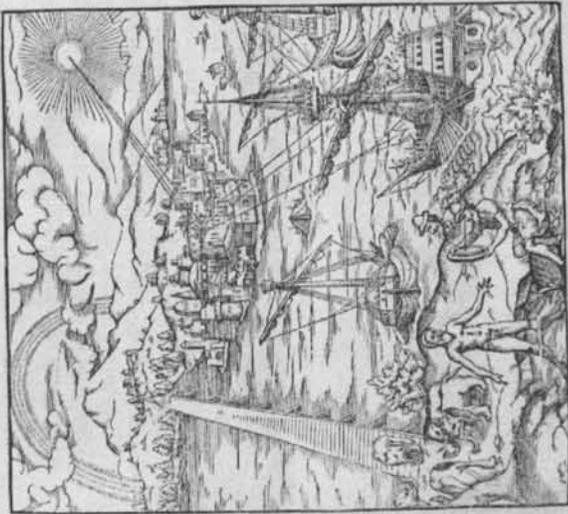
ATTACHMENT B

**HISTORY OF SCIENCE COLLECTION
TECHNOLOGY & THE EARLY PRINTED BOOK**

UNIVERSITY OF OKLAHOMA
HISTORY OF SCIENCE COLLECTION
TECHNOLOGY & THE EARLY PRINTED BOOK



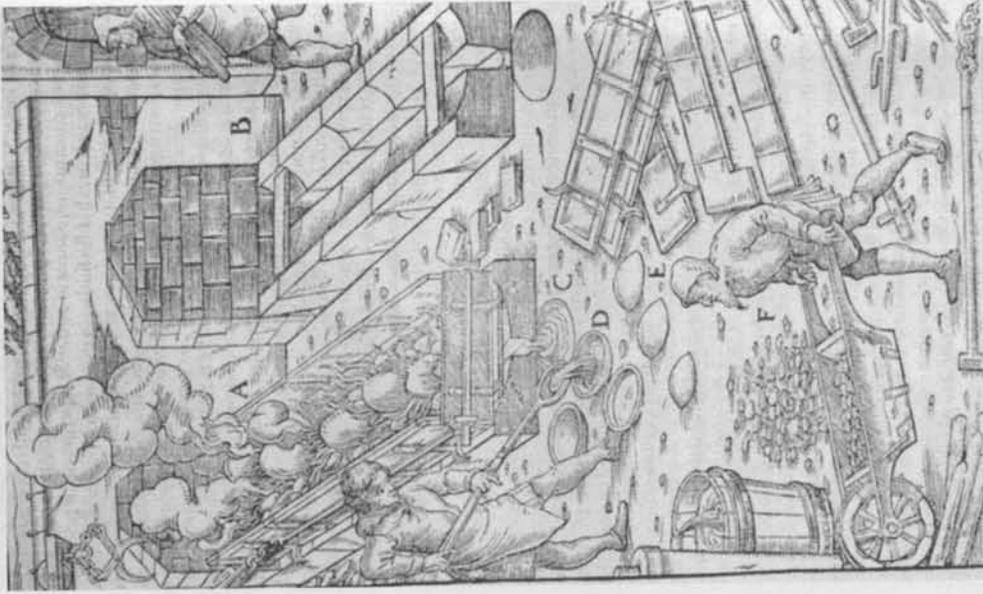
EXAMPLE OF 15TH CENTURY PLAYER ORGAN



Ibn al-Haytham, *Optics* (Basel, 1572)

The History of Science Collections is one of the premier research collections of its kind in the world. Holdings of over 95,000 volumes range chronologically from Hrabanus Maurus, *Opus de universo* (the Collections' oldest book, printed before 20 July 1467) to current publications in the history of science.

The Collections' hours are posted on the University Libraries website (<http://libraries.ou.edu/>). Typical hours are 9-7 Mon-Thurs, 9-5 Fridays, and 10-2 Saturdays.

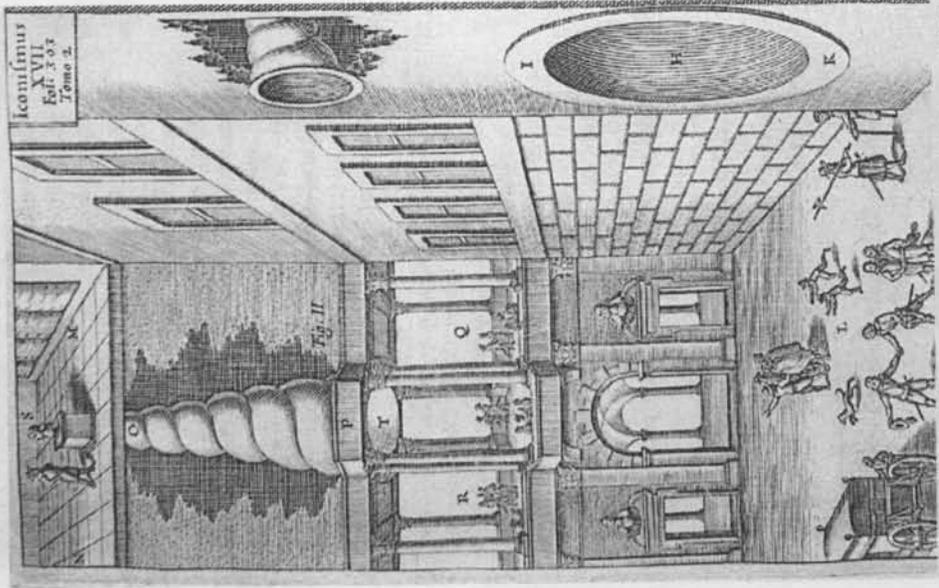


Agricola, *De re metallica* (Basel, 1556)

HISTORY OF SCIENCE COLLECTIONS
 University of Oklahoma Libraries
 401 W. Brooks, BL 521
 T: 405/325-2741
 W: <http://libraries.ou.edu>

TECHNOLOGY & THE EARLY PRINTED BOOK

Spring Exhibit, 2010



Kircher, *Musurgia universalis* (Rome, 1650)

Featured Items

1. Ibn al-Haytham (Al-Hazen), *Optics* (Basel, 1572). In the early 11th century, Ibn al-Haytham founded a tradition of Islamic optical and astronomical investigation that was continuous with the achievements of Copernicus and Kepler in the Scientific Revolution. How many varied kinds of optical phenomena are illustrated on the frontispiece? Do you see refraction, reflection, perspective, and the burning mirror targeting a ship?
2. Galileo Galilei, *Le operazioni del compasso geometrico* (Padua, 1606). Galileo's first printed book was a manual on the operation of his geometrical and military compass. The instrument contained scales of his own innovative design, useful for an astonishing variety of calculations in the field. For example, one could use it to estimate altitudes; in topographical surveying; to lay out military fortifications; to aim a cannon at the correct angle to achieve a target distance; or to calculate the needed diameter of a cannonball if made of brass instead of iron. Galileo had the instrument made in his own home and supplemented his income by teaching young gentlemen how to use it. The Oklahoma copy of Galileo's first and rarest printed work contains his own marginal notes, including corrections which were quickly incorporated into subsequent issues of the first printed edition. This was the first copy off the press; examine the title page and note how deeply the metal type has cut into the paper.

Civil and military engineering

These works illustrate ancient and early modern techniques in architecture, water transport, and machines of warfare.

3. Agostino Ramelli, *Le diverse et artificiose machine* (Paris, 1588).
4. Vittorio Zonca, *Novo teatro di machine*. (Padua, 1621).
5. Vitruvius, *De architectura* (Venice, 1567).

6. Vitruvius, *De architectura* (Amsterdam, 1681).

7. Hero of Constantinople, *Liber de machinis bellicis* (Venice, 1572).

Mining & Metallurgy

8. Georg Agricola, *De re metallica* (Basel, 1556). This beautiful work described early modern mining and metallurgy practices throughout the German speaking areas of Europe. The remarkable illustrations make *De re metallica* a paramount example of how science & technology in the Printing Revolution were transformed by large scale production of visual representations.
9. Georg Agricola, *De re metallica* (London, 1912); English translation by Herbert Hoover.
10. Vannoccio Biringuccio, *De la pirotechnia* (Venice, 1540). Gandalf's fireworks manual.

Automata, Music & Acoustics

11. Athanasius Kircher, *Musurgia universalis* (Rome, 1650). Note the speaking statues and the water-powered automatic organ. Would Kircher - a professor at the Jesuit *Collegio Romano* and the proprietor of his own *Museum Kircherianum* - make an interesting guest speaker in a music class today?

Machines of water, air & steam

Hero of Alexandria (1st century BC), fashioned all sorts of marvelous automata - "miraculous" devices using steam, air pressure, hydraulics, and falling weights. In one example, a temple visitor would light an altar flame. After a few minutes, the heat expansion of gas within sealed tubes would cause hidden doors to open automatically.

12. Hero of Alexandria, *Spiritualium liber* (Urbini, 1575).
13. Hero of Alexandria, *Gli artificiosi et curiosi moti spiritali* (Ferrara, 1589).

In his book *Natural Magic*, della Porta designed an optical tube to make far things appear as though they were near. The field of optics was often associated with magical tricks and illusions, and for that reason sometimes held suspect among non-mathematicians. But della Porta's magic was natural, that is, an inquiry into causes that were natural, even if they were hidden. This inquiry was personified by the keen eyesight of the lynx, which adorned della Porta's 1589 title page (shown in facsimile).

14. Giambattista della Porta, *Natural Magic* (London, 1658). Some idea of the scope of natural magic may be gained by browsing the table of contents of the English translation.
15. Giambattista della Porta, *De' spiritali* (Naples, 1606). Often regarded as an early example of the steam engine, della Porta's devices continued the ancient tradition of Hero of Alexandria's pneumatical machines. This copy is bound in intricately carved wooden boards.

Leonardo da Vinci

Like someone today who avoids email and the web, Leonardo sat out the Printing Revolution. Despite Leonardo's remarkable accomplishments and enduring interest, his manuscripts were safeguarded with utmost secrecy to preserve their value to his court patrons. As a result, Leonardo unfortunately published no books during his lifetime.

16. In the unpublished notebook sketches reproduced in the exhibit, do you see his idea for a helicopter-like flying machine?
17. Luca Pacioli, *Divina proportione*. (Venice, 1509). Leonardo's friend Pacioli published some of his geometrical diagrams in 1509 - the only example of any of Leonardo's work published during his lifetime.
18. Leonardo da Vinci, *Trattato della pittura* (Paris, 1651). The earliest of Leonardo's works to be printed was his *Treatise on Painting*, published in Paris a century after his death.