



Cheyenne Genealogical & Historical Society

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Message from the CGHS President...

Another summer has come to an end, maybe not on the calendar, but I can feel fall in the air. I had a niece get married this summer, so as a gift, I wanted to put together a small "our family" book for the new couple. I spent my summer gathering information on families I know absolutely nothing about—how fun! Tricks and tips I have learned over the years came in handy on this project and now comes the challenge of bringing it together! I look forward to hearing how all of you have spent your summer, and the successes and challenges you have faced in your research. We have some new officers & we will be sure to introduce them to all of you at our first meeting. If you see an unfamiliar face, don't hesitate to introduce yourself. We have some wonderful programs planned for this year on a wide range of topics. Also, to aid society members in doing their research, our book committee has made some great purchases for our collection. Be sure to check them out (no pun intended)!

Robin Everett, President

Upcoming Events:

9 Sept 2014

CGHS Meeting:

"Guided Tour of Family Search," Jan Stock
6:00-8:30 p.m.
Sunflower Room
LC Library, Cheyenne

12-13 Sept 2014

Midwest Family

History Expo

Kearney, Nebraska

<https://www.familyhistoryexpos.com/viewevent/index/72>

18 Sept 2014

Larimer County

Genealogical Society

Meeting:

"Hiding in Plain Databases," Dina Carson
6:30-8:30 p.m.

Harmony Library Community Room, Ft. Collins

Saving Your Family History Securely in the "Cloud"

Scott Allen from [Utah Education Network](#), recently took his audience at the 2014 BYU Family History Conference into the mysterious realms of the "Cloud" and explained what that means. Technically, [Wikipedia defines the cloud](#) as a "model of networked enterprise storage where data is stored not only in the user's computer, but in virtualized pools of storage which are generally hosted by third parties, too." Allen explained that we have pictures or information that we want to keep on our home computers or devices, but in case of fire or other disasters, we want to be able to keep them safe. Pre-Cloud

users kept copies of pictures and information on CDs, DVDs, hard drives, in bank vaults, other storage, or gave copies to others to keep. When we put our data into cloud storage, though, we keep the original information at home, and store the data in a format that can be used by others who can have access to this data, with permission, in a much easier way. The Cloud can also be downloaded to all the mobile devices that a person owns, like iPhone, Android, iPad, not just a



computer. And if information is put on the computer, all devices will be synced, so the information can be taken wherever the genealogist goes. Allen listed several other advantages to Cloud storage online: 1) no cost for storage facilities; 2) automatic backup in case of problems; 3) retrieval from anywhere; and 4) information easily shared. Some disadvantages exist: 1) retrieval not as fast as local storage; 2) infections with malware or viruses can occur like any download; 3) encryption may not be done as it is transferred to the cloud (Allen said that more and more places are en-

rypted now so this is no longer such a problem); 4) no control over hardware or network where the information is stored—if there is a problem with the network, information may not be able to be stored or retrieved. According to Allen, however, the advantages far outweigh the disadvantages. Some of the free cloud websites include:
Dropbox: www.dropbox.com;
GoogleDrive: www.google.com/intl/en/drive/;
AmazonCloudDrive: www.amazon.com/clouddrive;
Apple iCloud: www.icloud.com
Many other cloud storage websites, both free and paid, are out there—check genealogical websites for favorites.

Copyright Fundamentals for Genealogy Researchers

By Mike Goad, reprinted with permission as a public service from the author; <http://www.pddoc.com/copyright/genealogy.htm>

Since genealogical research inevitably involves copying of information, questions involving copyright often crop up. When an answer is given, it may be less than satisfactory. Sometimes the answer is wrong, sometimes there is little or no explanation, and sometimes the answer isn't an answer, but a policy statement. In other instances, the answer is right, but it isn't what the questioner wanted to hear. While copyright can be very complex and confusing, the parts of copyright law that usually apply to genealogy are really pretty basic. There are a few fundamentals that can help deal with just about any genealogy copyright situation.

Copyright means copy "right"

Literally, the term copyright means the right to make copies of some product. By law, the right belongs to its creator. In copyright law, the product that's copyrighted is referred to as a "work" and the creator of the work is its author. From that, we can say: *Making a copy of a work or a portion of a work is its author's copy right.*

In the U.S., the right to make a copy of a protected work is a constitutional, exclusive right of the work's author, *except* that some limited copying is allowed by provisions of the copyright law. (see Fair use)

Is it copyrighted?

If it's created today by the original expression of the author and it can be viewed or copied, then it is protected under copyright. The law says: *"Copyright protection subsists...in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device."*

For works created earlier, there are a few basic conditions for determining copyright status:

- If an original work of authorship was created after 1977, it's copyrighted and it's going to be for a very long time. The earliest that any work created after that will lose its copyright will be about 2049 - that's assuming that the author died right after he authored the work.
- If it was created before 1923, there is no copyright on it any more, so long as it was published. If it wasn't published, it may still be protected by copyright.
- Works published before March 1, 1989 without proper copyright notice are almost always in the public domain because, under the law that existed before that, a proper copyright notice was required for copyright protection.
- Works published from 1923 to 1963 had to be renewed after an initial copyright term for protec-

tion to continue. The U.S. Copyright Office estimates that over 90% of works eligible for renewal were never renewed.

Original expression protected

All that's protected under copyright is the author's original expression. The protected material must have been independently created by the author with at least some minimal amount of creativity. Anything in a work that isn't the author's original expression isn't protected by copyright.

Facts can't be original expression

No one can claim originality in a fact. At best, a person may discover a fact. If he discovers it and documents it, he has not created it. He has only reported it. There is no originality. Census takers, for instance, don't create the data that result from their work. They write down the facts that they discover. Census data, therefore, can't be copyrighted because it's not original. Since facts can't be original expression, the copyright of any work doesn't extend to the facts contained within it. This is a very important fundamental concept in genealogy, since genealogy so very much involves the pursuit, discovery, and collection of facts. While copyright doesn't extend to facts, the facts may be expressed in an original fashion. When this occurs, the original expression used to convey the facts is protected, but the underlying facts are not.

(Cont. page 3)



Copyright Fundamentals for Genealogy Researchers...continued

Pre-existing material

Any pre-existing material in a work that's not the original expression of the author isn't protected by the author's copyright. Facts, which exist before the work is created, can't be protected by copyright, as previously discussed. Other examples of pre-existing material that might be used in a work include the work of others, public domain material, and U.S. government material. The copyright status of already existing material doesn't change when used in a new work. If an author uses material from the work of someone else, the copyright for the material still belongs to the original author. If something from the public domain is used, its copyright status is that it's still in the public domain, available for anyone to use. U.S. government developed material, by law, cannot be copyrighted. However, material created by non-government authors and used by the government is usually covered by the author's copyright. In either case, though, use in a new work does not change the copyright status for U.S. government materials.

Compilations

A compilation is a collection of pre-existing material. It can be a collection of stories, poems, or other narrative material. In genealogy, compilations are usually some kind of collection of facts or factual material. Many genealogy compilations aren't sufficiently original to be protected by copyright. Since facts can't be copyrighted,

to be eligible for copyright protection, a factual compilation must have some amount of originality in either the selection of the facts, the arrangement of the facts or both. And, then, the only part of the compilation that's protected will be that which has originality.

Example: Mary records the names, dates and inscriptions of all of the headstones in the Farnham East Cemetery. She arranges them in three tables. The first is alphabetical by last name, the second chronological by date of death, and the third arranged by the relationship of the location of the headstone to a large oak tree in the middle of the cemetery. Also in the third, she only includes the headstones of people who died in even-numbered years. Of the three tables, the first two used all of the names and dates and arranged them in standard formats, alphabetical and chronological. If "all" of an available quantity of facts is used, there is no originality of selection. If a standard format is used for the arrangement and ordering of facts, then there is no originality of arrangement. Only in the third table is the selection and arrangement of the material original enough to be protected by copyright. Defining and describing the location of a headstone by relationship to something else applies originality in the arrangement of the facts. Selecting only those that died in even-numbered years is a nonstandard way to select the information that will be included.

However, the copyright protection for the compilation of facts in the third table applies only to the selection and the arrangement of the facts. To copy the selection and arrangement of the facts would be to infringe upon the right of copy belonging to the author. However, the facts that are included in the compilation aren't protected and may be used by anyone.

Industrious collection and sweat of the brow

It's natural that someone who works very hard at researching, collecting, and arranging facts into a compilation would want to protect their efforts. *And they can.* So long as they don't make it available to others, so long as they don't publish it. But that's the only way that it can be protected. Once it's made available to others, such a work will have little or no copyright protection in most instances. Under copyright, the effort and work put into a project means nothing. Copyright only protects an author's "original expression."

In the past, lower courts have made "sweat of the brow" and "industrious collection" rulings, where the work and effort that went into the research, collecting and arranging counted in the copyright protection of a work. However, such rulings were invariably overturned by higher courts. The Supreme Court has reaffirmed and further defined the requirement for the author's original expression in a word being all that's protected. (*Cont. page 4*)

Copyright Fundamentals for Genealogy Researchers...continued

Fair use

The constitutional purpose of copyright is to further the progress of science and the useful arts, which today is understood to mean scholarly growth. Since building upon the advances of others is often necessary for further advancement in most endeavors, this purpose is in apparent direct conflict to the rights of authors to control or even prevent the copying of their original expression.

The principle of fair use, which allows limited copying without consent, limits the conflict. Its limits intentionally ill-defined, fair use is very applicable to scholarship and research, important aspects of genealogy. Four factors are considered:

- Purpose of the use, including non-profit educational use
- Nature of the copyrighted work
- Amount of copying
- Effect of the copying on the potential market for, or value of, the original work

Examples: Joe is doing research at the Mid America Library in Independence, Missouri. He finds transcripts of four 18th century wills on pages 21, 23, and 87 of a book of deeds and wills from Virginia that is copyrighted 1979. He makes a copy of each of the pages that has the information he needs. He subsequently posts the text of each of the four wills online. He also finds a little narrative family history book that was published in 1955 on the family of his great, great, great, granduncle. He copies the entire

book and publishes it online. In a third book, copyrighted in 1934, he finds several pages narrating the life of one his wife's ancestors. He copies the pages and posts small, significant portions from them online. Which of the three examples was fair use?



Only the third.

In the first one, there is no potential for copyright infringement.

While the book is copyrighted 1979, at best the copyright applies to the selection and arrangement of the information. If the book is sequenced the same as the original will book or covered time period and all of the documents available are included, then there is no originality. A true transcript of a will is no more than a text copy of an existing document. While knowledge and interpretation may be needed to be able to read the old handwriting, there is no creative expression involved... and therefore no copyright involved. In the second example, the book had no copyright date. It was published in 1955 without proper copyright notice. Therefore, the book is in the public domain and Joe can do anything with it he wants to. If, however, the book included a proper copyright notice, it might still have been under copyright protection if the author had renewed the copyright. In that case, copying the book would probably not have been a fair use and posting the entire work online definitely would not have been.

Joe copied several pages out of a book in the third example, that were applicable to his research. Assuming the book is still under copyright: copying the pages for personal research is a good example of fair use; using small significant portions of the narrative from them in his online web page would also likely be fair use; posting the entire narrative from the pages he copied would not be fair use and would be copyright infringement; posting the factual information from the narrative would not be fair use because there is no copyright issue. Factual information abstracted from an author's original expression is not protected by copyright.

In conclusion

A couple more copyright issues that apply to genealogy:

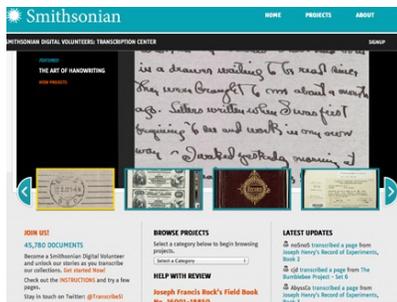
A pedigree, descendant chart, GEDCOM, or any other standard genealogy form or format that contains nothing but facts is not copyright protected. There is no originality of selection or arrangement and facts can't be copyrighted.

Plagiarism and copyright are not the same. Plagiarism is the failure to properly document the source of the information or material that you use and is considered by many to be unethical.

When material you submitted is used by a commercial company in their product, you retain the copyright for any of the material that is a product of your original expression.

Genealogy News You Can Use...

Smithsonian Launches Website to Crowdfund Old Document Transcriptions



The Smithsonian Institution has joined the crowdsourcing revolution: It recently launched a [Transcription Center website](#) where volunteers can help transcribe thousands of document images, such as Civil War diaries, letters from famous people, and old American currency. Many of the digitized documents are handwritten or have text that computers cannot easily decipher. Transcription by humans is the only way to make the text of these items searchable, which will open them up for endless opportunities for research and discovery. The Smithsonian's collection is so vast that transcribing its content using its own staff could take decades. By harnessing the power of online volunteers that goal can become a reality. Over the past year, nearly 1,000 volunteers participated in a beta test of documents in high demand by researchers, resulting in about 13,000 pages of transcriptions. In one instance—transcribing the personal correspondence of members of the Monuments Men held in the Smithsonian's Archives of American Art—49 volunteers finished the 200-page project in just one week. Other volunteers review each completed transcription before it's certified by a Smithsonian expert. To participate, [register here](#) and click "Tips" for quick instructions. You can [choose a project](#) by theme or by contributing repository.

Ancestry—an Excellent Genealogy Resource, But Its Member Trees—Not So Much

Writing in *The Jersey Journal*, Daniel Klein describes his experiences with Ancestry.com's member-contributed family trees. He describes the problem caused by novice genealogists using information from a reasonably reputable source (the US Census) and applying it to the wrong person. Now other people have accepted this erroneous information as gospel and it perpetuates over and over. You can read Daniel Klein's article at http://blog.nj.com/tracing_your_roots/2014/04/post_6.html. I will quickly add that Klein writes only about his experiences with Ancestry.com but those of us who have been looking at online genealogy sites for years know that the problem is more widespread. It is not a problem solely on Ancestry.com, but also on all genealogy web sites that accept and republish user-contributed family trees without question or verification. Indeed, no organization can verify the information contributed by users. That would be a Herculean task. I do have to agree with the one positive statement in Klein's article: "...use them as a guide and not gospel. Take all information you find with a grain of salt, examine it closely, ask questions, check sources and then do all those things

over again until it hits all of the *Genealogical Proof Standard's* points."

We tend to treat this as a modern problem of the Internet. However, I will invite anyone to go to a genealogy library and look at the books published before the invention of the World Wide Web, especially the self-published books. Many of them contain huge errors and offer no source citations where the information was found. This is not a new problem. I still use Ancestry.com, MyHeritage.com, FamilySearch.org, WeRelate.org, WikiTree.com, and any other genealogy web site that I think might be able to help. I expect to keep using them for many more years. However, unless there is an image of the original document included, I treat all genealogy information online and in books as *only clues about what might be factual*.

I have to agree with the first part of Daniel Klein's title: Ancestry is an Excellent Genealogy Resource. I still love online sites as they have saved me a lot of time by giving me clues. However, I always attempt to verify or disprove the claim by independent research.—by Richard Eastman posted to *Eastman's Online Genealogy newsletter*, <http://www.eogn.com> 5 Apr 2014.

Ancestry.com Drops Access to Cemetery Records on BillionGraves

The blog Ancestry Insider has reported that Ancestry has quietly dropped access to cemetery records on [BillionGraves](#) from the Ancestry.com website. Previously, users could directly search the BillionGraves database when they were logged into Ancestry. No more. BillionGraves became a competitor of Ancestry when Ancestry bought out Find A Grave in Oct 2013. If you attempt to do a search for BillionGraves records on Ancestry.com you will now get a message "Collection Not Available." It is unusual, but not unheard of for Ancestry to remove access to records. BillionGraves and Find A Grave both depend on users to contribute free cemetery records to help their websites grow. For more information see: <http://www.ancestryinsider.org/2014/07/war-of-1812-project->

**Cheyenne
Genealogical &
Historical Society**

P.O. Box 2539
Cheyenne, Wyoming
82003-2539
Website:
www.cgshswyoming.org

To contact CGHS or to
submit newsletter
suggestions and/or articles,
send a note to Wendy at
wendywy04@aol.com

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The Cheyenne Genealogical &
Historical Society welcomes a
new member who has joined the
organization in the last several
months.

- Celia Teague



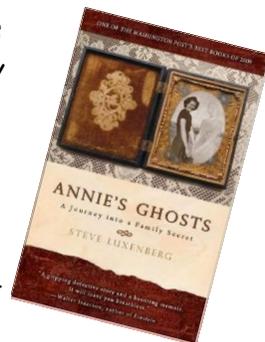
"CHECK THIS OUT"

Family history-related fiction & nonfiction
book reviews by CGHS members

Annie's Ghosts: A Journey into a Family Secret

by Steve Luxenburg (2009—Nonfiction)

I just finished reading a book called *Annie's Ghosts* by Steve Luxenburg. Steve found out that his mother, who had always claimed to be an only child, had a sister who was disabled and possibly mentally ill. Annie had been institutionalized when she was in the 1940s and his mother Beth had kept her a secret. He tells of his search for Annie and her records, what he found and where he found it, including running down people from Beth's past before Annie was sent to "Eloise" which started as a poor-house, then became an institution that was a farm, asylum, and general hospital. The search to find the people who knew about Annie and her records drove him to re-search laws on how to retrieve these types of records, and led him all over the country as well as through Michigan's hospital system. The information he shares in this book could help anyone who is facing a similar kind of search. He even gave his method of interviewing people to get them to remember or to reveal what had been a secret for almost 60 years. —Margie D



Grin-ealogy: Sixty Years of Adventure & Misadventure

by George I. Sackheim (2007-Fiction)

If you are going to spend 60 years of your life actively involved in genealogical research, then you better have a good sense of humor. So it is with George I. Sackheim who has compiled his 60 years of one-liners and stories into a fun-filled book called *Grin-ealogy*. This book is small, but a delightful read with more than 100 entries to make you shake your head, smile in memory of your own similar experiences, and laugh aloud. For example, the telephone call Sackheim once received from a family member who said, "take my uncle's name off the family tree." When Sackheim asked why, she replied, "because he died!" Or the incident that occurred when he wanted to get the hospital records of a child that was stillborn. The worker at the hospital stated, "I can only release that information to the next of kin. Are you the son of that baby who died at birth?" When Sackheim said, "yes," he was given the information he needed. Even though we probably all have our own list of humorous anecdotes & experiences, reading another person's stories can really make your day. —Leland & Patty Meitzler

—Leland & Patty Meitzler