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## **An Interview with Dr. Kimber Thomas, Senior Innovation Specialist with the Connecting Communities Digital Initiative (CCDI) at the Library of Congress**

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### **Abstract**

In this interview, Dr. Thomas discusses the relationship between race and copyright. This conversation with Tucker Taylor of the Journal of Copyright in Education and Librarianship covers Dr. Thomas's path to copyright education as well as her work at [Connecting Communities Digital Initiative](#) (CCDI) at the Library of Congress. Dr. Thomas details the interaction of race and copyright, and how it relates to librarianship and education. She also details ideas for librarians and educators to help improve our current situation.

*Keywords:* race, intellectual property, higher education, copyright, librarianship

## **An Interview with Dr. Kimber Thomas, Senior Innovation Specialist with the Congress (CCDI) at the Library of Congress**

Dr. Kimber Thomas is a Senior Innovation Specialist with the [Connecting Communities Digital Initiative](#) (CCDI) at the Library of Congress, where she provides technical support to awardees and explores new ways of reusing and remixing the Library's digital collections. She is a scholar of Southern Studies and African American Studies and an experienced oral historian and digital storyteller. Prior to joining the Library, Kimber was a CLIR Postdoctoral Fellow in Data Curation for African American Studies at the University of North Carolina at Chapel Hill Libraries and the Program Manager for the Modern Endangered Archives Program at UCLA. Outside of her work at the Library, Kimber builds digital tools to document Black life in the American South. She holds a PhD in American Studies from the University of North Carolina at Chapel Hill, a MA in African American Studies from UCLA, and a BA in English from Alcorn State University. She regularly presents on issues related to copyright and race.

### **Please tell me about your background, and how it led you to an interest in copyright's interaction with race?**

I'm a scholar of Southern Studies and African American Studies, and much of my writing focuses on documenting the Black experience in the rural American South. I also use digital tools and technologies to preserve and amplify Black southern stories. Recently, I've been thinking about how I can creatively reuse and remix digital collections related to Black life in the rural American South, and how I can incorporate different emerging technologies and methodologies to tell stories in new ways and with more depth and richness.

Growing up in Mississippi, I've always been interested in the histories of Black blues musicians during the 1920s and 1930s, like "Son" House and "Mississippi" John Hurt, who recorded music under work-for-hire contracts and were never properly compensated for their works; or Black blues women like Mamie Smith and Ma Rainey who were subjected to exploitative contracts by record companies and music publishers.

I can also remember going to the beauty salon on Saturday mornings and being offered purses, gold jewelry, and bootleg/pirated DVDs and CDs. And while I understood the practice as illegal, I think I also understood the purpose or intent behind it. Those DVDs were ways for us to access a very specific type of cultural content that was unavailable on regular TV; we gained exposure to up-and-coming filmmakers and playwrights; and in some ways, it was a type of cultural preservation because we had all the "classic" movies on hand and at our disposal. The bootleg CDs were also interesting because it gave underground musicians the opportunity to receive compensation and recognition for their work while subverting the mainstream media industries. So I've always sub-consciously been thinking about copyright's interaction with race.

I'm currently a Senior Innovation Specialist with the Connecting Communities Digital Initiative at the Library of Congress. We're a Mellon-funded program that provides financial support to individuals, institutions, and organizations interested in reusing a I don't think we can talk about fair use, public domain, licensing, or rights management without also discussing cultural appropriation, representation, access to information, and legacies of exclusion and exploitation. I could see edu-

cators and librarians working together and with local communities to co-create copyright literacy initiatives that are more culturally relevant and responsive to contemporary audiences and creators. And remixing the Library's digital collections to create innovative digital projects that center Black, Indigenous, Hispanic or Latino, Asian American and Pacific Islander, and other communities of color. We're always thinking about copyright's intersection with race, especially when it comes to rights, access, and cultural appropriation and representation.

### **What are some of the important ways that race affects copyright?**

I think the most important thing to understand about the intersection of race and copyright is that The Copyright Act of 1790 extended copyright protections only to "citizens" of the United States, and because Black people, both enslaved and free, and Indigenous people, were not considered citizens under the law at that time, they were denied the legal protections afforded by copyright law, including the ability to claim ownership of their creative works and to seek legal recourse against any infringement. Intellectual property laws were built on racial scripts and citizenship discourses that excluded enslaved people and Indigenous populations, and while the United States purported to champion the rights of creators and innovators through copyright law, it simultaneously sanctioned the exploitation of Black and Indigenous people, which reveals a glaring hypocrisy in its legal and moral framework.

These laws continue to disadvantage people of color in knowledge ownership today. We see this among Black and Indigenous creators who face barriers in asserting ownership over their intellectual property; in being properly recognized and compensated for their creative works; and in accessing the legal protections afforded by copyright law, including securing legal representation. And in this digital age, we continue to see the creative works, cultural expressions, and intellectual property of Black and Indigenous people and creators being appropriated without proper attribution or compensation.

### **How do the above issues with racism/IP interact with education and/or librarianship?**

I think that educators and librarians can play pivotal roles in informing the general public about the inequities embedded within copyright law and about the intersections of race, copyright, and representation. To me, this looks like reimagining copyright literacy initiatives to address the full copyright landscape while centering the experiences of Black, Indigenous, and other communities of color.

Educators and librarians could collaborate to develop inclusive educational programs, workshops, and resources that explore the intersections of copyright and race, fostering critical understanding and dialogue among diverse audiences.

### **What are some ideas that may improve these existing problems?**

Finding new and creative ways to educate the public about the complex issues surrounding copyright and race and about the history and contemporary implications of U.S. copyright law would be a good first step. For example, we could think about how to employ interactive games,

visual storytelling, or more culturally responsive teaching approaches to engage learners and creatives in exploring the intersection of copyright and race, facilitating meaningful dialogue, critical reflection, and maybe even action.

We could also be more intentional about embracing open access models, promoting responsible use of copyrighted materials, and encouraging licensing practices that are ethical and respectful of the rights and interests and needs of creators.

### **What should librarians and educators do to help with these issues?**

I love the idea of librarians and educators collaborating to create a free, digital “Copyright and Race” toolkit that is legible to and geared towards a broad public audience. The toolkit could contain a syllabus that lists articles and other publications that explore the history of copyright and race from a multidisciplinary perspective. It could also leverage storytelling techniques and delve into legal cases to provide audiences with historical and contemporary examples of how copyright law intersects with race and culture. These could look like brief case studies or deep dives into, for example, the exploitation of Black musicians in the early 20<sup>th</sup> century; the protection and recognition of Indigenous cultural heritage and traditional knowledge within the framework of copyright law; TikTok and cultural appropriation; or hip-hop sampling.

I’d love a toolkit that explained to me in layman’s terms legal concepts and terminology related to copyright law, that gave me a list of advocacy groups or legal aid services that could help with navigating copyright-related issues, and that provided an infographic geared towards creators that explores how to legally and ethically use copyrighted materials while respecting the rights of creators and communities of color.

Community workshops or public panels that explore intersections of copyright and race could also be a great way to facilitate dialogue and public awareness. The most important thing is advocating as much as possible for policy reforms that promote equity within copyright law, [to address systemic inequalities within the information landscape].