

# Fair Use Evaluation Documentation

Compiled using the **Fair Use Evaluator** [cc] 2008 Michael Brewer & the Office for Information Technology Policy, <http://librarycopyright.net/fairuse/>

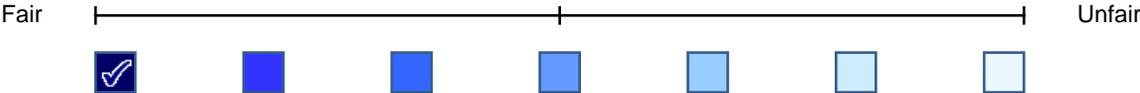
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<b>Name:</b>	John Robert Legg
<b>Job Title:</b>	Graduate Student
<b>Institution:</b>	Virginia Tech
<b>Title of Work Used:</b>	"Students and Winter Warrior
<b>Copyright Holder:</b>	Mankato Free Press
<b>Publication Status:</b>	Published
<b>Publisher:</b>	Mankato Free Press
<b>Place of Publication:</b>	Mankato, Minnesota
<b>Publication Year:</b>	1987
<b>Description of Work:</b>	A photo of children touching a monument, The Winter Warrior, in a newspaper used to describe a new monument commemorating the US-Dakota War
<b>Date of Evaluation:</b>	June 2, 2020
<b>Date of Intended Use:</b>	June 2, 2020

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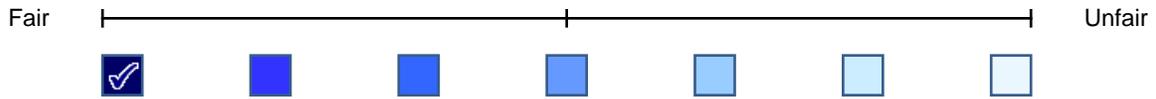
Describe the **Purpose** and Character of Your Intended Use:

I plan to use image in my work that describes the monument in detail. The image is quite powerful to show how much the local white population appreciated and idolized a new Native American monument. The intended image will be used to show how invested the local population was, in 1987, to bring people together through these new monuments. The image shows school children touching the monument with the monument's sculptor.



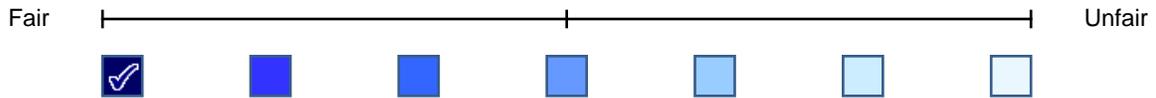
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

This image will be used in a MA thesis, published at Virginia Tech, to tell a more complete story of the monument's construction and impact on the local Mankato, Minnesota community. [+] Work to be used has been previously PUBLISHED



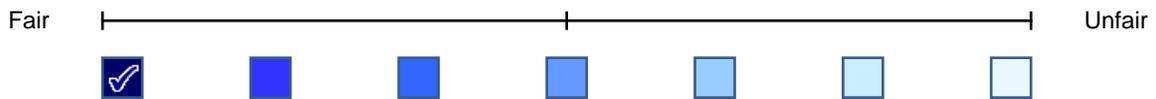
Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)



Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

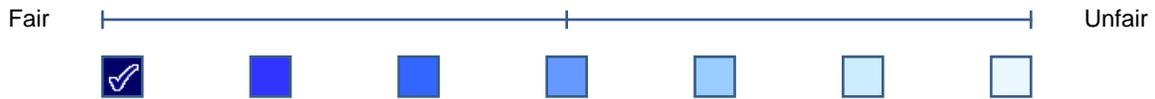
[+] Proper attribution will be given with the intended use  
[+] The work is NOT currently under commercial exploitation (out of print, no licensing available, etc.)



The Average **"Fairness Level,"** Based on Your Rating of Each of the 4

Factors, Is:

[see tool disclaimer for important clarifying information]:



**Other** Important Criteria:

I have permission from the editor of Mankato Free Press to use image in my thesis, yet Virginia Tech still requires a fairness report. It's public knowledge, and an informative photograph that will support my analyses.

Based on the information and justification I have provided above, I, John Robert Legg, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

*\*Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use.*