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Ringer, Barbara A. The Unauthorized Duplication of Sound Recordings. Published as Study No. 26 in the series of Copyright Revision Studies, 1957. A detailed study of the various aspects of the problem and their background, prepared in connection with the program for the general revision of the U. S. copyright law.

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A REPORT ON THE STATUS
OF HISTORICAL RADIO BROADCAST COLLECTIONS IN THE U.S.

by

W. H. Utterback, Jr.

Over the years, very little attention has been given to the area of sound collecting which encompasses recordings of a historical nature which were originally broadcast by the radio networks in the United States between 1925 and 1950. During this twenty-five year era, America and the world passed through a series of events which shaped the course which humanity would follow for generations to come. In the United States, the nation passed through its worst depression and its worst war, and many great personalities were present on the American scene. Unfortunately, the efforts which were made to record the speeches, ideas and thoughts of these notables were, by any standard, miserably poor in most cases.

The recording industry was, of course, in its infancy, and since tape recording had not been discovered during the greater part of this period, the imprisonment of sound had to be accomplished on 16-inch electrical transcription discs, with a base material of acetate, aluminum and, during World War II, glass. In most cases, these "airchecks" were made using the NAB standard groove width of 2.5 mil, although a few recording facilities used the 3-mil groove width. The radio networks themselves made little effort to preserve items of public interest which they broadcast, leaving the task to their affiliate stations across the country. This has resulted in an almost chaotic state of affairs with regard to these historical broadcasts: no one knows where certain broadcasts are located, if they are extant at all; many transcriptions have incorrect dates and titles, which contributes to the confusion; in many cases, little or no effort has been made to preserve the sound quality of these original airchecks, with the result that perhaps

50 per cent or more of the recordings which were made by radio outlets across the country have been lost through deterioration of the discs themselves and, in many other cases, airchecks were kept on file for a period of perhaps five or ten years, and then simply discarded as taking up too much space on storage racks at the radio stations. The loss of many thousands of other discs can be attributed to the demise of dozens of radio stations across the nation after the advent of television.

In recent years, some effort directed toward saving and preserving this part of our national heritage has been taking shape. The task is difficult for several reasons. Collectors of political-historical broadcasts are few and far between in the country at the present time, and often such collectors are not aware of each other; thus opportunities for mutual gain through trades do not materialize. In addition, only lukewarm assistance has been forthcoming from owners and managers of radio stations which have material of this sort and most will not consider providing a dub of the broadcast(s) for less than \$30.00, which is the average hourly fee for studio use. In the past few years, firms dealing in old radio programs of an entertainment nature have appeared on the scene, and they have indirectly furthered efforts to preserve historical recordings, since they often obtain such material in the course of their bulk purchases of airchecks from radio stations across the country. However, this writer has been informed by several of the owners of such firms that historical material does not sell well and that, as a result, they may turn down chances to obtain these types of broadcasts. Their interest is in the monetary worth of the items they offer, of course, while the true collector's interest stems from a belief that such broadcasts should be preserved for posterity.

The public depositories for political-historical broadcasts center around the National Archives and Records Service in Washington, D.C. There are other notable sound collections of a semi-public nature,

such as the one at the National Voice Library, located at Michigan State University. The curator of the library is Dr. G. Robert Vincent, a pioneer in sound recording. His private collection, which forms the core of the National Voice Library, contains some 15,000 items, many of which are one-of-a-kind recordings. Dr. Vincent was able to save many of the old Edison recordings which were made on wax cylinders. He re-recorded them and improved their sound quality. He was successful in developing a filter which removes much of the surface noise (needle scratch) which was especially common to early acetate discs. Another notable sound collection is the KIRO-Phonoarchive at the University of Washington. In 1939, the staff of radio station KIRO began keeping a careful watch on world and national events. Moved by an unusual sense of history, the workers at this station made every effort to record on disc the broadcasts of important world events from 1939 to 1950. Careful efforts were made to improve the sound quality of their recordings and to preserve them for the future. As a result of this activity, we can happily report that many hundreds of fine broadcasts, airchecked from the Columbia Broadcasting System, are present in this collection. News broadcasts, as well as actual recordings of speeches and events as they occurred, give the researcher an excellent perspective into the reasons and causes of World War II. Unfortunately, however, the National Voice Library and the Phonoarchive cannot be considered truly public outlets for this material, since they are unable to handle all of the requests that they receive, especially in the case of the Library. A lack of funds for an adequate staffing of these depositories is primarily responsible for this inability to function properly. It is to be hoped that more funds will be made available for the expansion of these two facilities so that researchers and educators can have the contents of these archives open to them in every way.

The National Archives, then, remains as the one truly public repository for historical recordings.

The Audio-Visual Archives Division of the National Archives has thousands of recordings in its vaults, covering every conceivable subject. It has facilities for reproducing these recordings for the public at fairly reasonable rates. However, service is often slow and the sound quality of many of the recordings in its holdings is quite poor. Surface noise, pops, clicks and thumps often obscure the speaker's voice to such a degree that listening to the recording is difficult at best. In some cases, the recording is dubbed at a speed inconsistent with the speed at which the disc was originally cut, resulting in a voice reproduction which may be too fast or too slow. In addition, perhaps 60 per cent of the National Archives' recordings are not complete broadcasts, since they do not include the commentator's opening and closing remarks, but have only the speaker's speech. In the case of the National Archives, one also runs into the ever present problem of restrictions on the use of its material. Although there was no copyright on broadcast material in the period 1925 to 1950, the Archives are bound by the terms of the Deed-of-Gift under which the materials were received to follow any restrictions the donor may specify. It has been this writer's experience that often these restrictions are merely a formality and, in one case, the so-called "donor" had no knowledge of ever giving anything to the Archives! In some cases, the networks donated certain broadcasts to the Archives and permission is necessary from them before Archives can supply reproductions. It is this writer's belief that such restrictions as these are a needless prohibition against the use of materials which are obviously the property of the American people as a whole. No network can claim that it "owns," for example, a recording of a speech delivered by a President of the United States. The radio networks served only as a common carrier of the spoken word of these public officials and as such, they had nothing whatever to do with originating the material. The same situation is apparent in the case of the newsreel firms, a source of recorded sound often overlooked by the casual collector. In many cases, especially in the early

1930's, at least a portion of an address by a public official may be present in a newsreel sound track, but is not extant on disc. A classic example of this is Franklin D. Roosevelt's acceptance speech to the Democratic National Convention on July 2, 1932. Extensive efforts have been made to uncover disc recordings of this address (the famous speech in which FDR first used the phrase "New Deal"), but these efforts have proven fruitless. However, slightly more than half of this address was pieced together from newsreel sound tracks. In the case of the newsreels, however, the researcher is faced with the Class M copyright, although the law is unclear about whether the copyright protection extends to the sound track as well as to the visual image, since the address was broadcast by radio to the nation. Efforts are now underway by archivists and private collectors to clarify this situation and to try to improve the manner in which newsreel films (the visual as well as the audio) may be made available to the scholar in an economical way. The newsreel firms have used the copyright protection as an umbrella under which they have been allowed to charge exorbitant prices (as much as \$5.00 per foot of film) to anyone requesting historical footage, regardless of whether the inquiry is authored by a researcher or a commercial firm. Again, historians and archivists are of the opinion that such historical footage cannot be owned by anyone, but rather that it is a part of our national heritage and should be administered as such.

A somewhat brighter outlook can be seen within the Office of Presidential Libraries (a division of the Archives establishment), which has control over the various libraries dedicated to the memories of Presidents Hoover, Roosevelt, Truman, Eisenhower and Johnson. The Kennedy Library is due to be erected in the near future. The researcher who desires to obtain recordings of speeches by the above-mentioned Presidents would do well to address his inquiry to the Presidential library involved, rather than to the Audio-Visual Archives Division of the National Archives. He will, on the whole, receive better service

from the libraries. The Hoover Library has a fair collection of recordings relating to Mr. Hoover. The Roosevelt Library has a collection of about 300 recordings of utterances of FDR and his official family and associates. This writer has been a continuing contributor to the Roosevelt Library in the area of broadcasts concerning Mr. Roosevelt and we can report that their collection is now undoubtedly in better condition with regard to content and sound quality than at any time in its history. The Office of Presidential Libraries has instigated new priorities for audio-visual collection and preservation, and archivists have been assigned to positions in the Presidential libraries which deal exclusively with this field. Much still remains to be done before a really effective program and procedure is realized, but a start has been made. Moving to the Truman Library, we find that their holdings on the late President Truman are extensive, covering some 2,000 items on tape and disc. Later Presidents, of course, came into office after the development of tape recording and, ultimately, video recording, so that very few problems are encountered insofar as availability of material is concerned.

In sum, it can be said that the status of historical broadcast collections in the United States is improving. It is now in a transition period--a period in which institutions as well as individuals, in growing numbers, are awakening to the fact that a very valuable part of our national heritage has been virtually ignored for many years and that action is necessary if we are to save this invaluable living record of our growth as a nation.

W. H. Utterback, Jr., is a private collector, as well as a contributor to the Franklin D. Roosevelt Library at Hyde Park, New York. He has also worked closely with the Office of Presidential Libraries to increase the availability of historical broadcasts to the researcher.

IN MEMORY OF THE CARNEGIE MUSIC SET

by

Philip L. Miller

If on some university campus there still exists intact one of the Music Sets given by the Carnegie Corporation thirty or more years ago, it must have been carefully guarded in its day, and probably did not fulfill its potential. And if a student today has access to the set he may well be amazed at its limitations. We have come a long way since the Second World War. I wonder if the younger generations have any idea of what the world of recordings was like in those far-off days. The Carnegie Set was an anthology chosen from American and European catalogs. That it did win friends for music and influence people I have been reminded many times over by some of those who grew up with it. For that reason it is a pleasure to remember the problems as well as the pleasures of putting it together.

In 1936 Eric T. Clarke was undertaking to revise the Carnegie Set, and I was asked to assist him in the selection of recordings. Accordingly I was borrowed from the New York Public Library for half time to listen and select. The assembling and supplying of the set was then in the hands of G. Schirmer, and we had an office in the 43rd Street store, equipped with a Capehart (the machine chosen to accompany the first sets) and supplied with any recordings we might consider for inclusion. Later we moved to the Lyon and Healy suite in Steinway Hall, where I spent most of my evenings. Parenthetically I may say this job was crucial in my own career, for it established my specialization in recordings, and as will presently be seen, it led to the establishment of some now accepted library practices.

But let us look a bit further back into the history of the set. It was not a sudden idea that developed

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