

I am writing in strong support of making commercial American 78 rpm recordings part of the Public Domain.

It is impossible to overstate the importance of American 78 recordings as part of our accrued national cultural literacy. The era in which the earliest commercial recordings were manufactured corresponds to some of the most critical and vital parts of our country's emerging identity and offer us today the first sounds of what has since become a vital billion dollar music industry.

Nowhere is the open and free access of these historic recordings more important than of the minority, regional and ethnic recordings made in the earliest days of commercial recording. In many ways these sounds set for all time the fleeting and otherwise lost moment of an important era of our cultural maturation.

Of the millions of foreign émigrés who landed on our shores, the tens of thousands of recordings of their music while initially made for bland commercial purposes have morphed into a timeless visceral document which forever captures a crystallize moment in the development of our multicultural identity.

The transformation from Old World to New as represented in the songs, stories and instrumental works are a vibrant showcase for otherwise lost documents of an emerging new technological form. This overlap allows us an unparalleled opportunity to witness this transformation in both real time and at the luxurious pace of careful and insightful study.

Whether it is the earliest sounds of hillbilly or blues singers in the 1920s where we hear the seeds of today's multi-billion dollar American entertainment industry exported to all parts of the world and vital to our economy and identity or the transitional lost sounds of ethnic traditions in transition. By allowing these fledgling recordings easy access to scholars, students and researchers – without the heavy hand of contemporary record label executives uninterested or antagonistic to anything which doesn't aggressively support their short term bottom line -- we are nothing less than the guardians and caretakers of these musics. No one can be said to be their owners.

As a five-time Grammy nominated producer of historic period recordings I recognize how vital these recordings are not only to the cultural legacy we have inherited as a people, but also to new generations who seek these rare and wonderful recordings as a way to make their identities alive and vital.

In no other area is open and easy access as important as it is in Jewish recordings. While all of the other period 78s reflect cultures which have undergone change, only in the Yiddish and Hebrew records do they represent a people nearly obliterated at the hands of the Nazis and later by Stalin's Communists. With this vital culture experiencing a profound and dramatic resurgence these old recordings represent a crucial vibrant link to the essential reanimation of the music, and vocal arts offering new generations an ironclad model of performance style and repertoire.

Without open access and widespread dissemination of the many thousands of Yiddish records made between 1895 and 1965, that cultural resurgence could be slowed or even halted, a terrible coda to a tragic genocide of the last century.

We owe it to ourselves as a people and to future generations to place these recordings in their rightful exalted place as vital parts of our country as the audio equivalents of the Grand Canyon, the Washington Monument or the Declaration of Independence.