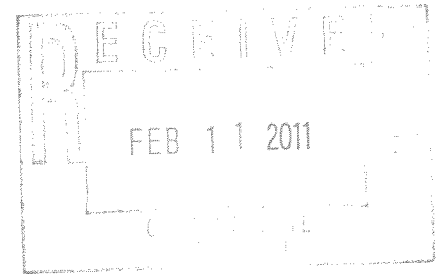


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Restoration and Preservation of Sound from Obsolete Audio Formats
Rare and Unusual Records **Authoritative Appraisals**

January 24, 2011

David O. Carson, General Counsel
U.S. Copyright Office
Library of Congress
Washington DC 20540

Dear Mr. Carson,

This is in response to your call for comments on the Federal Copyright Protection of Sound Recordings Fixed Before February 15, 1972.

I recently published a pair of articles, "Which American Orchestra Recorded First When," supertitled by the editors, "Stroh's in the Wind." Some of the articles related to the sound and performance attributes of these early recordings. Audio examples were drawn from U.S. issues from 1904 through the early 1920s. Few of these are in the collections of even the most advanced private collectors.


Rather than forcing readers to accept my interpretation of the sound, I prefer giving them access to the same audio data I used, allowing them to make up their own minds about my comments.

I decided to publish in an English magazine, "Classic Record Collector," in part because, though their web page did not then allow access to the sound, they made CD copies and distributed them for free to interested readers.

I'm a founding member of The Association for Recorded Sound Collections and have been a member of the Music Library Association for almost 50 years and the Audio Engineering Society for many as well.

I don't doubt I could have published in the U.S. where the article would have had wider dissemination but felt access by others to the aural evidence was crucial to the scholarly process. I chose to publish it abroad where the legal standing of such recordings did not prohibit a democratic interaction between the reader and the author rather than the "I'm the expert and you're not" option that was the only approach the present U.S. law allows.

Very truly yours,


Steven Smolian