

Craig-Sturgeon-Stephen-20050308080002

To: Julie L. Sigall
Associate Register for Policy & International Affairs

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From: Stephen Craig Sturgeon

Comment:

In 2001, as I was finishing work on a manuscript about the late Congressman Wayne Aspinall, my publisher asked me to locate some photographs to use in the book. In the course of my search I found one that captured an altercation between Congressman Aspinall and environmental activist David Brower at a conference in Albuquerque in 1966. A picture of this incident had been published on the front page of the local newspaper. When I contacted the paper about obtaining permission to reprint the picture, they informed me that they did not own the copyright to the photo, had no information on how to contact the photographer, and could not provide me with any further assistance in this matter.

Since the name of the photographer was listed in the photo caption and the name was fairly unique, I attempted to track down the individual by doing an internet search. Eventually I did locate an address and mailed off a letter asking permission to use this photograph in my book. After a number of weeks had passed, I received a reply from the man's son saying that his father had died several years earlier, and that he had spent his life as an insurance salesman and therefore was most likely not the photographer in question. At this point I could not find any other leads on the photographer, and my publisher notified me that because I had not been able to obtain copyright clearance they would not use the photograph. Thus under the current copyright law a photo taken less than forty years ago is effectively untouchable for researchers because there is no way to track down the copyright holder. I strongly urge the US Copyright Office to amend the code to deal with "orphan works".