

January 26,2007

Mr. Steve Leggett
Program Coordinator
National Recording Preservation Board
Library of Congress
M/ B/RS Division
336 James Madison Building
First and Independence, S.E.
Washington, D.C. 20540

Dear Mr. Leggett,

This statement is submitted on behalf of the Association of Research Libraries (ARL) in response to the request by the Library of Congress for comments in support of a study on the current state of recorded sound preservation in the United States. Sound recordings are a critically important part of our Nation's cultural and educational landscape. As a consequence, the scope of these collections within the ARL community is significant and diverse. Unfortunately, these collections are also in various stages of risk. As was stated during ARL's symposium, *Sound Savings: Preserving Audio Collections*, "To minimize sound recordings is to minimize the importance of the information we receive through our hearing."¹

ARL is a nonprofit organization of 123 research libraries in North America. Its mission is to influence the changing environment of scholarly communication and the public policies that affect research libraries and the diverse communities they serve. ARL member libraries hold more than 10 million audio materials and constitute a large portion of the academic and research library marketplace.

As the range of sound recording formats and the size of the collections in our members' libraries grow, it is imperative that we design and support a national plan for audio preservation to meet the challenges of the deterioration of these resources and their conversion to and maintenance in digital formats.

ARL and its member libraries have examined the major issues regarding sound recordings. These include:

- a lack of agreed-upon standards and best practices;
- a high percentage of holdings are protected by copyright;
- an inadequate infrastructure;
- the need for additional technical expertise;

¹Sound Savings Preserving Audio Collections, **pg. 84**

- the high costs of conversion and storage can be prohibitive, and
- insufficient information concerning the collections such as the state of their physical condition and the rights associated with their use.

Audio Collections in Research Libraries

Sound recordings represent a vital and unique part of our cultural record and create rich experiences for learners of all ages and interests that cannot be duplicated in any other format. However, because these resources are recorded on inherently fragile media, it is time-consuming and expensive to restore or to transfer them to a preservation medium. In addition, copyright laws seriously hamper preservation efforts. As a consequence, access to these resources is significantly limited.

Audio collections include works that convey knowledge and experiences that cannot be captured in other media and these collections tend to be one-of-a-kind materials. For example, improvisational music like jazz and blues can only be fully experienced via sound recordings, according to Dan Morgenstern, noted jazz authority and director of Rutgers University's Institute of Jazz Studies. No two performances are alike, and the musician's interpretation often creates a unique composition, even for well-loved jazz and blues classics. A jazz musician can begin with one instrument and repertoire of techniques, only to change radically over time as he responds to the techniques and improvisations of fellow band members and other collaborators.

Most collections at research institutions are comprised of unique content. For one member institution, this is the case especially with regard to the spoken word. Foreexample, one-half of Columbia University's holdings (ca. 15,000 items) are interviews from the Oral History Research Office. Included in their holdings are interviews with such varied groups as jazz musicians, civil rights leaders, 9/11 survivors, scientists who have received Nobel prizes, and prominent figures such as Fidel Castro, W.E.B. DuBois, Lillian Gish, Alger Hiss, Nikita Khrushchev, Ginger Rogers, Upton Sinclair, and Stephen Sondheim.

Syracuse University Library's Belfer Audio Laboratory and Archive holds approximately 340,000 recordings in all formats including cylinders, discs and magnetic tapes. As is true for many audio archives, spoken word materials, broadcasts and university events complement collections of commercial classical, popular and jazz genres. Some of the voices to be found include Thomas Edison, Amelia Earhart, Albert Einstein, and Oscar Wilde among others.

The Rutgers Institute of Jazz Studies complements its collections of jazz recordings with the Jazz Oral History Collection. The oral histories offer a rich exploration of the myriad influences on prominent jazz musicians that are critical for understanding the evolution of the performer and the music genre. These resources are unique and cannot be found elsewhere. The lengthy, freewheeling interviews are also a rich source of historical and sociological information, spanning issues such as discrimination against musicians, who could perform in white venues but could not eat in white restaurants or stay in white motels and the impact of place, such as New Orleans or Chicago, on the musician's development.

The New York Public Library (NYPL) also has significant audio collections. For example, the Rodgers & Hammerstein Recorded Sound Archives has a collection of over 600,000 sound recordings in every format from cylinders, to enhanced CDs, CD-ROMs, DVDs. The collection covers every genre of music including musical ~ - performances such as concerts, operas, Broadway shows, and master classes by noted musicians such as Maria Callas, Pablo Casals, Jascha Heifetz, Ivan Galamian, Jan Peerce and Dorothy Taubman. In addition, the Library also has a strong spoken word collection including early vaudeville routines, contemporary comedy skits, famous speeches, radio & TV programs, poetry readings, monologues, plays, accents/dialects for auditioning actors, interviews with a wide variety of theatre people such as Eva La Gallienne, Tennessee Williams, Tallulah Bankhead, Irving Berlin, George Gershwin, Mae West and more. NYPL's non-commercial holdings include live performances of Lincoln Center constituents such as the Metropolitan Opera, Chamber Music Society of Lincoln Center, and the Jazz Society of Lincoln Center. Finally, NYPL receives copies of musical performances on video from the Brooklyn Academy of Music and Live at Lincoln Center.

Other ARL members' collections include similar riches. Sound recordings have been available since the mid-19th century and audio archives thus represent a large amount of materials in a wide range of physical formats that may require an investment in time and funding that may be more than the Nation's libraries individually can accomplish. For ARL member libraries and other large institutions with expansive holdings, piecemeal action regarding preservation is sure to result in significant losses of valuable cultural and historical information. Preservation of large quantities of unique content presents significant challenges for individual libraries. No institution currently has sufficient resources to ensure preservation of even all the unique materials they hold.

ARL supports the creation of a national plan for audio preservation. The following components and issues must be addressed in the Plan:

- Establish the technical infrastructure;
- Develop the technical expertise;
- Develop and support a national funding strategy;
- Develop consensus standards and best practices; and
- Address the intellectual property and copyright concerns

Establish Technical Infrastructure

The infrastructure to assure the long-term preservation of and access to audio recordings is far from complete. There is the need for a technical infrastructure to support the conversion of the audio recordings to digital formats. In addition, there is the need to preserve the "born" digital recordings. An effective infrastructure, comprised of trusted digital repositories would support the conversion, storage, and migration of audio resources based upon agreed upon standards and best practices.

It is not possible for all of the individual institutions preserving audio collections to develop all of the required infrastructure in-house. Collaborative and cooperative approaches to

infrastructure creation and management will be critically important. Institutions that cannot establish in-house conversion labs will need to rely upon service bureaus that can meet agreed upon preservation standards. As has been noted in other statements, it will be important to develop and support mechanisms to evaluate those service bureaus, model contracts and related tools.

Develop Technical Expertise

Staff with appropriate technical expertise is a key resource for effective preservation programs. As institutions evaluate their collections, the efforts must be staffed with knowledgeable personnel. This needed expertise includes listening skills, knowledge of recording formats, and the digital conversion process - all of which are essential to the success of a national plan. Finally, expertise is needed in areas such as conservation assessment and treatment as well as cataloging and storage of sound recordings. Thus as libraries move toward implementing preservation/conservation measures, education and training for librarians, curators, sound engineers, and preservation/conservators is required.

Develop and Support a National Funding Strategy

Funding concerns present enormous challenges to research libraries engaged in preservation of audio recordings. Institutions need sufficient funding to help pay for preservation conversion and long-term access to these resources. For example, in institutions where resources may already be limited, the additional costs of even surveying the condition of collections of recorded sound may prove prohibitive. But this is an important step that we must take.

The costs to our institutions of maintaining audio recordings are not insignificant. The combination of obsolete formats and the equipment used to play them means that preservation conversion to digital formats is both necessary and expensive. Furthermore, designing, establishing and maintaining conversion and storage facilities will require initial funding and on-going support. A national funding strategy is needed to address these pressing preservation and access concerns before we lose these valuable and unique resources.

Develop Consensus Standards and Best Practices

The lack of agreed upon standards and commonly accepted best practices presents a major barrier to effective audio preservation. There is a need for agreed upon methods for evaluating deterioration, conversion to new formats, and the application of metadata.

Audio preservation has been redefined in the 21st century to mean high-resolution digital conversion, long-term archiving of the resultant digital files, and metadata creation. This redefinition speaks to the need for the development of widely accepted standards - including those for preservation-quality conversion to digital form. However, specifications and best practices for conversion are still under debate as key players do not always agree on standards and best practices. Consensus on a unified set of standards is essential to the development of effective preservation programs.

Address Intellectual Property and Copyright Concerns

A national plan for audio preservation must also address the need for changes to

copyright and intellectual property law. Fragmented copyright and intellectual property laws significantly hamper the long-term preservation and access to sound recordings. Preservation without access is not meaningful, and institutions hesitate to use scarce resources to preserve sound recordings when there is no assurance that anyone may have access to them.

A number of proposals have been suggested to rectify these concerns (in particular see the statement by Tim Brooks, Association for Recorded Sound Collections). First, Congress should repeal section 301(c) of Title 17, U.S. Code. Currently, state law covers pre-1972 sound recordings thus these resources are exempt from federal copyright law. As a consequence, the term under state or common law is prohibitively long compared to an already long federal term and also lacks consistency. Rationalizing copyright law with regards to sound recordings is critical if we are to move forward on the preservation of these cultural collections. In addition, changes to the Copyright Term Extension Act of 1998 are needed with regards to sound recordings.

Given the nature of the formats and their obsolescence, the extension of term for sound recordings is particularly problematic. Finally, as Congress considers how best to deal with orphan works - those works whose owners are difficult or impossible to locate - it should include provisions relating to preservation and access of sound recordings. To date, Congress has not included sound recordings in its orphan works legislation and it should as it resumes its deliberations on this important issue.

We strongly support the development of a comprehensive national plan for audio preservation based on a study of the current state of recorded sound. Its potential for stimulating collaboration and new educational opportunities is enormous as sound recordings occupy a unique and growing niche in our Nation's cultural record.

Sincerely,

Prudence S. Adler
Associate Executive Director

Karla L. Hahn
Director, Office of Scholarly Communication