



Editors' Comment

Music as art. Music as energy release. Music as ritual. Music as feeling. Music as group dynamism. Music as protest. Music as freedom. Music as sounds. Music as colors. Music as celebration. Music as time. Music as process. Music as sensation. Music as sentiment. Music as love. Music as non-verbal communication. Music as verbal communication. Music as prose. Music as entertainment. Music as theater. Music as social situation.

Technology and mass culture have made it impossible for man to exist alone (at least in anything above a primitive state). In the future, groups will make new musics. Instead of a repertory of separate compositions there may be a repertory of different groups of practitioners of the exploratory, innovative arts, presenting their musics in galleries, supermarkets, parks, beaches...anywhere but in orchestral, operatic, and chamber music museums. And if "concertizing" is done in the future, it will be done with the view that new rituals can be presented: old ones have their place, new ones must be allowed to make theirs. New instruments call for new procedures. And these call for the practitioners and the participants to behave differently.

Happily, composers no longer need models for their musics. They now have creative freedom. They accept only the responsibility to innovate. They recognize that older procedures are irrelevant to contemporary man and offer no avenues for fruitful creative exploration and, hence, must be discarded. The pieces in this issue are appreciated for their beauty, their innovative excellence, and their message.

Dec. 15, 1967

Dear Larry,

Enclosed is my article *Some Sound Observations*, a picture of the old TMC tribe (remember, please return to me as I'm the sentimental kind!) and a statement about the old place. If you use my article, please keep in touch if there is editing because it is more like a composition than expository. If it doesn't make sense listen to it. (Don't delete the dominant!) I didn't want to be academic....

Love,
Pauline

United States Copyright Office
Washington, D.C.
1-27-68

Composer/Performer Edition
330 University Avenue
Davis, California 95616

Gentlemen:

...We are holding Robert Ashley's "in memoriam" (including ESTEBAN GOMEZ and three other works) because of a question concerning its registrability.

Nothing can be copyrighted unless it is the "writing of an author." To be regarded as a "writing," a work must contain at least a certain minimum amount of original, literary, pictorial or musical expression. In all cases, it is only the particular manner in which the author expresses himself in his writings that can be protected by copyright. The ideas, plans, systems or methods that he expresses, or that are embodied in his writings, are not copyrightable.

To be registrable in Class E, the copy deposited must contain at least a minimum amount of the composer's original musical expression fixed in tangible, concrete form. We must be certain that the work was not entirely or substantially created by chance methods and that, where certain results are left to the performer, the area of his operation is sufficiently circumscribed. Only if the composer has actually "authored" the work in the sense that he has made most of the selections and determinations as to pitch, rhythm, etc., and only if the author has retained at least a minimum amount of control over the variables and indeterminate factors, can registration be considered in Class E. The copy should represent the finished musical "work" and not merely a plan for a work.

Although part of the work in question may be registrable in Class E, the main parts or "scores" appear to be of indeterminate authorship and thus, would be more registrable in Class A (See Circular 16). For example, in the "score" of ESTEBAN GOMEZ, the circle of dots appears to merely suggest what is to be done; thus, the predominant expression, or fixed authorship, would be embodied in the text.

In view of this, we suggest two alternatives: you may register a claim in CRAZY HORSE in Class E and the three remaining parts of this work in Class A. Or, you may register a claim in the complete "package" in Class A. If you choose the first alternative, you should

deposit two additional complete copies with an application on Form A (giving three titles in line 2) and an additional fee of \$6.00. A new application on Form E should also be submitted giving at line 2 only "CRAZY HORSE as contained in 'in memoriam'." When you reply, please mention the date of this letter and CASH NO. 53411 (C).

Sincerely yours,

Felicia Healy
Acting Head, Music Section
Examining Division

Enclosures:
Forms E, A
Cirs. 16, 33, 58

URBS AETERNA
Jan. 15, 1968

Dear Larry,

We just got back to Rome from a two-month tour, where I find your letter waiting for me. Thanks for thinking of us, and thanks for the program of what seems like a very vital sort of festival. I wish such things were possible here. — As for my piece: dear Larry, you don't need my approval for *anything*, just go ahead and do what you want. I agree with Fidel that private property in the realm of the spirit should be abolished. I have nothing against *money*, but I can't accept *royalties*. I hereby authorize you to do anything you wish with my or other people's music, especially other people's. I also agree with Proudhon, that private property is theft, and I think people should be encouraged to steal in order to correct universal injustice. Everybody steals anyway, they ought to do it openly and for glory as well as for gain. I only wish that artists would realize that the international Mafia of author's "rights" is merely a subtle form of exploitation, of PREVENTING ART FROM HAPPENING, and that it would be more to their advantage if "serious" composers would refuse to join organizations such as ASCAP, GEMA, SIAE, etc., etc., etc., would refuse to have anything to do with "royalties," "author's rights," and the rest of this bullshit....

Best regards,
Frederic