

PREFACE

George W. Johnson has always seemed to me an intriguing character. The first black recording “star,” he is almost completely forgotten today. Colorful stories swirled around his life. Had he been born a slave? Was he really discovered panhandling on the streets of Washington, D.C.? When did he begin recording, and how popular were his records? Was he really hanged for murdering his wife?

In the late 1980s I began doing research to try to learn more about this elusive character. There were no books about him, and the only serious articles, written by pioneering researcher Jim Walsh in 1944 and 1971, left many questions unanswered. What followed was a long odyssey through census records, slave registers, dusty legal archives, early newspapers and catalogs, as well as trips to the beautiful old towns of Virginia’s Loudoun County (where he was born), New York’s Hell’s Kitchen (whose streets he walked), and a New York area cemetery (where he came to rest). Finding copies of his records was a challenge, since most had been out of print for more than eighty years.

As the story of America’s first black recording artist slowly came into focus, it became apparent that there were other black artists at the time, equally unrecognized, whose stories needed to be preserved. I kept running into their names in my research. So I decided to expand the study to cover all African Americans who recorded commercially in the United States prior to the explosion of interest in black music in 1920. This time period has received little attention, with some writers even denying that there *were* any recordings by blacks in the earliest days. Eventually I identified nearly forty black artists and groups who had recorded during this period. Remarkably, they represented nearly every type of black artistic expression, from a street performance like that of Johnson, to minstrelsy, vaudeville, theater, spirituals, jazz, poetry, speech, even the concert hall—a veritable cross-section of black art and culture.

My original intent was to add brief biographical sketches of these other artists, drawn from previously published work. How naive I was! There *was* nothing published about most of them, and their biographies had to be painstakingly reconstructed from original sources, just like that of Johnson. Back to the archives and microfilms, and the search for original cylinders and 78s. Many of these people were minor names in the entertainment world, so little had been written about them

when they were alive. Of course their race was another reason they were ignored in “official” records and the media. Even when biographies existed (like those for boxing champ Jack Johnson), they disagreed on so many details that original research was required, especially regarding the recordings.

I hope that the reader will excuse the preliminary nature of much that appears in these pages and that others will take up the crusade and uncover more about the pioneers who introduced America to a wide range of African American culture before it became economically rewarding to do so. This book merely opens the door on a world we need to celebrate and learn more about.

These biographies are as complete as the author could make them, but there are doubtless errors as well as additional recordings and artists yet to be discovered. Additions and corrections from readers are enthusiastically welcomed; send these to me at P.O. Box 31041, Glenville Station, Greenwich CT 06831.

Tim Brooks

INTRODUCTION: LOST, STOLEN, OR STRAYED?

One of the most honored television documentaries of the late 1960s was a *CBS News Hour* written by Andy Rooney and Perry Wolff called “Black History: Lost, Stolen, or Strayed?” That title kept coming back to me during the years in which this book was being researched. African Americans made significant contributions to the recording industry in its formative years, from 1890 to 1919, and their recordings reveal much about evolving African American culture during that period. Yet little of that aural history is now available, and less has been written about it. Is this another piece of black history that is lost, stolen, or strayed?

The stories of the first black recording artists turned out to be fascinating on several levels. It would be easy to write a book about the injustices done to African Americans over the course of the nation’s history. From the cold shackles of slavery to the more subtle discrimination of modern times, America’s attitude toward its black citizens has always been a stain on the national character and a source of embarrassment. The examples are many and obvious. As tempting as it might be to focus solely on the racial injustices of early twentieth-century America, it is arguably more productive—and helpful to our own time—to examine the ways in which those injustices were gradually ameliorated. How did change come about?

The stories of the first black recording artists are stories not only of barriers, but of how some of those barriers were reduced. Progress—slow and halting, to be sure—was won not so much by changes in the law, or by dramatic confrontations between “good” and “evil,” as by the actions of ordinary people who when faced with instances of unfairness quietly and without fanfare “did the right thing.” Through their actions they acknowledged that the “color line” was fundamentally wrong. We still have a considerable distance to travel in ensuring equal rights for all. The lessons of those times can help guide us today.

One agent of change that has been little recognized was the early recording industry.

The First Modern Mass Medium

Before television, before radio, before even motion pictures, an earlier mass medium began paving the way for the shared social experience that has so profoundly

changed modern society. It startled and amazed the citizens of the late nineteenth century. Who could ever have imagined an entertainer, orator, or famous person being “bottled up,” only to spring to life, as if by magic, simultaneously in hundreds of remote locations? Nothing in five thousand years of human history anticipated such a possibility. And yet here it was—recorded sound.

The public was first teased with the possibility of “bottling sound” in 1878 when thirty-one-year-old inventor Thomas A. Edison demonstrated his new tinfoil phonograph. At first it was only a laboratory curiosity. Not until a decade or so later did more or less permanent wax cylinder recordings of singers, orators, and jokesmiths begin to be heard in hamlets across America. Eventually even presidential candidates sent out prerecorded speeches on cylinders and discs in which they personally explained the issues and exhorted voters. The idea that a singer or speaker could be heard across the land, and that a person could be heard after death, was nothing short of a miracle, even to citizens in the Age of Wonders.

Generally overlooked has been the effect this revolution had on the integration of minorities into the social mainstream. Jews, Italians, and others who would hardly have been welcomed into the neighborhood in person carried their cultural values into many a genteel Victorian parlor through the medium of recordings. Once there, it can be argued, they gradually became less threatening. Blacks faced the most difficult challenge of all. Considered no more than animal chattel in the days of slavery, barely thirty years earlier, they lived in a rigidly segregated, inferior world. Entertainment was one of the few fields in which they could achieve some prominence, but until the advent of mass media this was largely a localized phenomenon. It was one thing for a black man named Bert Williams to become a stage star in liberal New York, but once his recordings began to be bought and played in homes and neighborhood entertainment establishments everywhere, at least a small step had been taken toward the acceptance of his race.

Blacks’ entry into the recording studio was not easily accomplished, but it took place much earlier than most historians acknowledge. Our focus will be on the first thirty years of the industry, from 1890 to 1919, prior to the explosion in black recording in the 1920s. These are the stories of the very first black recording artists.

Mass Media and the Integration of Minorities into the Mainstream

Several overarching themes emerge from these performers’ biographies. The first is the way in which a new technology provided opportunities for a minority that was excluded from other fields of endeavor. Then, as now, technology tended to gradually break down social barriers. The white, and mostly young, entrepreneurs who were struggling to build the new recording industry did not set out to change the social order. They simply did not have the luxury of enforcing irrational social conventions like “the color line.” Looked down upon themselves by more established interests, such as banking and commerce, the “talking machine men” recruited any performer who could induce people to buy their records and drop nickels into their automatic music machines. If that was a black man singing “The Whistling Coon” or a black quartet singing “Swing Low, Sweet Chariot,” so be it.

In the same way that media such as movies, radio, and television would later open doors to previously excluded minorities, the new medium of recording offered blacks an opportunity to be heard across America precisely because it was *not* run by the old-line, white establishment.¹

Despite the relative openness of the recording industry, any path was rarely easy for blacks during this era. Considering what these pioneers had to overcome, their stories resemble a kind of “profiles in black courage.” George W. Johnson, an ex-slave, could gain employment only by singing songs mocking his own race; likewise, Williams and Walker had to begin as “Two Real Coons” before stardom allowed them to soften their material. Even then they were boycotted by bigoted white performers like Walter C. Kelly, who would not appear on the same stage with them. In 1910 Williams was almost prevented from joining the Ziegfeld Follies due to the protests of white cast members. To placate them, Florenz Ziegfeld promised that Williams would not appear on stage with any white females.

Conservatory-trained baritone Carroll Clark chafed at being allowed to sing only sentimental songs about the Old South, while his picture was never published and his label concealed his race. Charley Case, a very popular stage humorist, lived with an even greater frustration, the persistent rumor that he was “passing for white.” He eventually shot himself. On the other side of the racial divide, Polk Miller, a wealthy white Southerner and apologist for slavery, toured America with a black quartet illustrating the black music he had grown up with on his father’s Virginia plantation. His 1909 Edison recordings are perhaps the most direct musical link we have to black music in the pre-Civil War South. Ironically, he was forced to quit touring by the same prejudice he had encouraged when audiences refused to accept a white man on stage with blacks.

Others tackled barriers no less formidable. Jim Europe fought successfully to establish high musical standards and improved working conditions for black musicians in New York, despite opposition from white unions. He pioneered in bringing syncopated black music to a white audience through his records. He faced down racists in the South during his Army days and became a war hero in France before being stabbed to death by one of his own musicians in 1919. His protege, Dan Kildare, was on the path to a brilliant career as a bandleader and composer when he apparently fell under the influence of drugs and died in a triple homicide in London in 1920.

Crusty composer Will Marion Cook fought other types of battles. After paying his dues in early black theater, he began to insist on artistic integrity and music that reflected his black heritage in the face of commercial pressures to do otherwise. The team of Sissle and Blake, on the other hand, largely “sold out” and gave the white folks what they wanted.² They nevertheless achieved unparalleled success, and reopened the Broadway stage to black musicals in the early 1920s.

Roland Hayes overcame incredible odds to make the first records of black concert music. W. C. Handy showed that a black man could extract himself from the clutches of white publishers and successfully own and publish his own music. It wasn’t easy, and he almost lost everything in the early 1920s. Almost every story told here contains examples of the struggle to bring black musical culture to America.

A second major theme that emerges from these stories concerns how whites interacted with these early black artists. Race relations in the United States were not a simple matter of black versus white. To be sure there were extremists, dyed-in-the-wool racists who fought fiercely to maintain the status quo, and reformers who fought just as strongly for equality. Most whites were somewhere in the middle. Many accepted the prevailing assumption that blacks were an inferior class (e.g., ethnomusicologist Natalie Curtis Burlin's patronizing characterization of them as "a child-race") but nevertheless provided a helping hand. Sometimes they even defied the law, as in the case of the Moore family of pre-Civil War Virginia when they took George W. Johnson into their home and taught him to read and write. Later the son of Johnson's one-time owner came to his defense in a questionable murder trial, as did numerous other whites who knew him. White boxing authorities and some politicians intervened on behalf of Jack Johnson when racists were trying to run him out of the sport, and even biased newspapers had to admit that he had won his title fairly. Vernon and Irene Castle enthusiastically promoted the career of black bandleader Jim Europe, as did Joan Sawyer that of Dan Kildare (Sawyer was a suffragist, which may have given her some perspective on what it meant to be denied one's rights). Showman Flo Ziegfeld was color-blind in promoting Bert Williams and bandleader Ford Dabney, and many white hands helped Sissle and Blake, W. C. Handy, Roland Hayes, and Harry T. Burleigh further their careers.

On a human level segregation and "the color line" collided with a basic American value—that of fairness. This was perhaps most blindingly clear in the case of Jack Johnson. Eventually, something had to give.

How It All Began: The Birth of the Recording Industry

The phonograph was invented, as most schoolchildren know, by Thomas A. Edison in 1877. It was first demonstrated to the public the following year. Edison's original invention was a clumsy affair that recorded indentations on a strip of tinfoil wrapped around a revolving drum. It was barely audible, and a few playings of a newly recorded piece of tinfoil quickly obliterated it. Moreover, the tinfoil could not be removed from the drum without destroying it—hence, there were no permanent recordings. The fact that sound had been reproduced at all was a miracle, but clearly the equipment needed a lot of work. Unfortunately, after several months of demonstrating the device to an easily-awed public, Edison was compelled to put it aside in order to concentrate on his rapidly developing (and more lucrative) electric light.

For nearly ten years the phonograph lay fallow, a laboratory curiosity. Other inventors pattered with it and gradually improved it enough to arouse Edison's jealousy and anger. It had been, after all, *his* invention. In 1886, with characteristic energy, he plunged back into the field and within a year produced an improved machine, recording on more or less "permanent," removable, wax cylinders. At first both Edison and his competitors believed the phonograph's principal use would be for business dictation and for household appliances such as talking clocks. What may be the oldest playable recording now in existence (from c. 1878) is in fact the voice of a man slowly reciting "one o'clock, two o'clock, three o'clock . . ." ³

The production of entertainment records began on a small scale in 1888 by Edison and a few local companies, but it remained for a group of entrepreneurs in Washington, D.C., to become the principal promoters of recordings as an entertainment medium. Their enterprise was incorporated in 1889 as the Columbia Phonograph Company and is the lineal ancestor of today's Sony/CBS Records.⁴ At first their products were sold not to individuals but to exhibitors who demonstrated them at fairs and in other public places. Automatic music machines (much later dubbed "jukeboxes") were set up where curious patrons could drop a coin in the slot and hear the latest popular song. The first commercial phonographs were large, expensive, battery-driven units. By the late 1890s smaller and less expensive spring-driven models had been developed and were being sold to the public at large. Records, both cylinders and the newer discs, began to find their way into the home.

During the 1890s few established performers deigned to record for the fledgling phonograph companies, which probably could not have afforded them anyway. For an established star, stage work was far more lucrative, and the primitive, squawking phonograph was a novelty item some felt was "beneath" them. In addition, recording required a special kind of voice, one that penetrated through the still-severe limitations of the technology and could at least be understood. Clarity and articulation were greatly valued (how times have changed!). Women generally did not record well, nor did softer instruments such as the piano or ensemble strings. As a result, most recordings were made by the same small group of performers, little known in the larger world of entertainment and located mostly in the recording centers of the Northeast. Virtually all of them were white, as were the businessmen who ran the industry. The phonograph was a white middle-class toy, and in the rigidly segregated America of the 1890s the idea that this "mass" medium might reach into other strata of society scarcely occurred to most people. Anyone, that is, except the hard-pressed recording companies struggling to survive. A dollar is a dollar, and several of the early entrepreneurs recognized that their white customers would pay to hear blacks entertain them on those coin-in-the-slot juke boxes, and at least some blacks would pay to hear "their own." And so the stage was set.

Who Was First?

The first black to make records for commercial sale appears to have been a middle-aged panhandler from the streets of New York City. Jovial street musician George W. Johnson became one of the best-known and most successful recording artists of his time, producing two of the biggest selling records of the entire decade of the 1890s. While many aspects of this era are shrouded in obscurity, Johnson's first recordings can be dated with some precision. Entries in the ledgers of the Metropolitan Phonograph Company of New York document that his cylinders were being sold by them in May 1890. They do not appear in a c. January 1890 catalog issued by the company, so he presumably began recording between January and May. By the summer of 1890 his cylinders were already quite popular, leading to a long and successful career in front of the recording horn. It is possible that someone obscure and unknown preceded him, but for now we will assume he was the first.

If the definition is expanded to “first to record” (not necessarily for commercial sale), there are a number of candidates. Several companies made cylinders for their own use in exhibitions in 1888 and 1889, and some of them recruited blacks to perform. A newspaper account of a phonograph exhibition given by a Mr. Wicks on January 7, 1889, at a Kansas City hotel, reported, “Then came the reproduction of a song rendered about one week ago by one of the colored waiters of the hotel. It was ‘Dixie,’ and the rich music peculiar to the darkey seemed admirably adapted to the phonograph. Mr. Wicks says that when the darkey first heard his song reproduced he was frightened half out of his wits. He thought he was ‘hoodooed.’” An Albany, New York, exhibition in July 1889 included a cylinder by “a negro street quartet.” One account said, “Negro street singers, whose melodies were caught from the office windows in New York, gave ‘The Magnolia Tree,’ with banjo accompaniment, in true darkey style.”⁵ So from the very beginning black Americans whistled “Dixie” and offered up streetcorner quartets to sing for the phonograph.

In the fall of 1889 the Missouri Phonograph Company exhibited at an exposition in St. Louis, where it made demonstration recordings by, among others, “the best colored quartettes [in the city].”⁶ Other early examples of black exhibition recordings include those of the Bohee Brothers (James and George), Afro-Canadian song-and-dance men of the 1880s and 1890s whose specialty was playing dual banjos while dancing. In 1890 they were living and performing in England. The evidence that they recorded that early is a November 1890 advertisement placed by Douglas Archibald, a showman traveling in Australia, who included in his phonograph exhibition a cylinder recorded by them. Since Archibald left England for Australia around March 1890 and “likely” brought the Bohee cylinder with him, they may have recorded in 1889 or early 1890.⁷ Among the other custom-made cylinders exhibited by Archibald were spirituals by “the Jubilee Coloured Concert Company of New York,” possibly made during Archibald’s stop in New York in April 1890 on his way to Australia.

However, the honor of “first black to record” might well belong to the aforementioned George W. Johnson. In later years a publicity item mentioned that he had recorded for Edison’s original tinfoil phonograph, presumably during the tinfoil exhibition period in 1879 and 1880.

Entry of Blacks into the Record Industry

Once the commercial record industry got underway in the early 1890s other blacks followed Johnson into the studio. The first wave included performers from the black vaudeville and tent-show circuits who, though not headliners, were reasonably well known at the time. They included the Unique Quartette, which toured widely in the Northeast, and the Standard Quartette, a featured act in the touring spectacle *South before the War*. Louis “Bebe” Vasnier was a popular local minstrel performer in his hometown of New Orleans when the Louisiana Phonograph Company made him one of its star attractions. Blacks and whites alike listened to his “Brudder Rasmus” sermons on coin-slot phonographs in the city’s public venues and summer resorts.

By the early 1900s more famous black performers were being engaged to record.

Bert Williams and George Walker were already stars on Broadway when the fledgling Victor Talking Machine Company persuaded them to make a few discs in 1901. Victor said that it had paid handsomely for the privilege. The Fisk University Jubilee Singers were world famous when they began recording for Victor in 1909, and Polk Miller and his Old South Quartette were nationally known at the time of their Edison sessions in that year.

Additional well-known blacks stepped in front of the recording horn during the second decade of the century. James Reese Europe was the “hot” bandleader for dancers Vernon and Irene Castle when he made the first black orchestra recordings in the United States in 1913. Following him into the studio was Dan Kildare, bandleader for Castle rival Joan Sawyer. The eminent composer Will Marion Cook led his Afro-American Folk Song Singers in a 1914 recording, and the Tuskegee Institute Singers (a chorus) also began recording in that year.

When America was swept up in the jazz craze in 1917, black artists were, appropriately, among the first to record the new music or variations on it. Wilbur C. Sweatman, Ford T. Dabney’s Broadway orchestra, and W. C. Handy’s Memphis musicians (most of them actually from Chicago) all made numerous discs. Noble Sissle and Eubie Blake brought ragtime and show music to record buyers, while the lively Right Quintette and the elegant Four Harmony Kings reproduced their cabaret acts. Black concert music finally began to be heard with tenor Roland Hayes’s privately produced recordings in 1918 and the founding of the black-owned Broome Special Phonograph label in 1919. Broome issued historic and little-known recordings by such prominent artists as Harry T. Burleigh, Florence Cole-Talbert, R. Nathaniel Dett, and Clarence Cameron White. Public figures on record included educator Booker T. Washington and controversial boxing champ Jack Johnson.

A few black Americans recorded in Europe but not in the United States prior to 1920, among them Pete Hampton and Belle Davis. These expatriates will not be dealt with here; for more information on them the reader is urged to seek out the excellent but unfortunately little-known book *Black People: Entertainers of African Descent in Europe and Germany* by Rainer Lotz.

While white record companies were willing to record blacks, they wanted those who would appeal to white customers. Curiously, the prevailing thinking was that blacks themselves were not a market worth pursuing, so certain types of music, presumed not of interest to the white majority, were ignored. Some interesting documents have surfaced that directly address this situation. In 1915 violinist Clarence Cameron White wrote to Victor urging that it record black concert artists. The company declined, saying that blacks would not support their own and that whites cared only about excellence (implying that black artists weren’t good enough). The following year the *Chicago Defender*, a black newspaper, started a campaign to find out how many blacks had phonographs, so that the information could be used to persuade the record companies to relent. Nothing came of this. (See the chapters on White and Roland Hayes for more.)

Also ignored, to the great dismay of modern collectors were folk blues and other “roots” music. The companies were probably correct in assuming that such unfamiliar sounds would find little favor with white consumers. It is notable that there

were no black executives making recording decisions prior to the World War I era, when Roland Hayes and entrepreneur George W. Broome decided to market records themselves. Until then, patent laws gave effective control of the industry to three large companies, Victor, Columbia, and Edison, which ensured that there would be no smaller operators to explore peripheral genres.

Comparison of White versus Black Recordings

A question debated among record researchers is how well early recordings actually reflect the musical culture of their time. It is true that recordings are sometimes not representative of public performance styles. Record companies employed a small group of regular singers whose voices recorded well and who were available to work cheaply and for long hours. Most specialized in recording and were seldom heard by a live audience. Their “audience” was a tin recording horn, and they adapted their styles to its requirements with strong projection, exaggerated articulation, and very even modulation (the acoustic recording process was not very good at capturing soft and loud passages). Performances were generally strict readings of published music with minimal improvisation. This is why so many early recordings sound “stiff” to today’s ears.

Instrumentation was also modified for recording. Orchestras were replaced by brass bands, which were in turn cut down for the cramped recording studio (only about a dozen men from Sousa’s fifty-man Marine Band actually recorded as “Sousa’s Band”). Vocal accompaniments were tampered with, as illustrated by the treatment of songs from the hit Broadway musical *Florodora*.⁸ At least fifty-eight recordings of songs from the show were made during its original run in 1901–2. On stage these songs were performed by both female and male cast members, often as production numbers with choruses and accompaniment by the house orchestra. The showstopper, “Tell Me, Pretty Maiden,” was sung by a double sextet of men and women. However nearly every vocal recording of songs from the show was by a male vocalist with piano accompaniment. Anything more than that was too complicated to record. Instrumental versions were by clarinets, banjos, zithers, and brass bands, instrumentation never heard in the theater.

Some white entertainers did preserve their public performance style on record (Al Jolson, Enrico Caruso), but they were the exception. In the main the song, not the performer, sold the record.

In contrast, black recordings appear to be relatively accurate representations of black performance style in this period. After all, the purpose of recording black artists was to offer a novelty, “Negro music” as it was heard in theaters and on the streets. While few white recording artists had outside performing careers, nearly all of the blacks who recorded did so. Most of them were not professional recording artists, but rather professional artists who were asked to record. George W. Johnson probably slurred “The Laughing Song” (for effect) much the same on the streets of New York as he did in the recording studio; the Unique and Standard quartets in the 1890s and the Fisk Jubilee Singers in the 1910s sang their fervent spirituals much the

same on record as on tour; and Jim Europe's Clef Club orchestra, with its unusually large mandolin section and shouted interjections, sounded the same on record as in descriptions of its concerts. Reverend J. A. Myers and Edward Sterling Wright read poetry, Bert Williams delivered his half-spoken songs, and the Right Quintette performed their talking/singing cabaret act much as they did in public. All of these sound quite different from white recording artists of the period, and most are anything but stiff.

Even more remarkably, the personalities profiled here represent an exceptionally wide range of black music and culture, including popular and concert songs, band music, spirituals, monologues, speeches, even poetry readings. It is an aural portrait of black musical culture at the turn of the twentieth century, in considerable diversity.

Where Are These Records Today? A Plea for Preservation and Dissemination

Records by most of these artists still exist. The advent of the CD has brought a boom in the field of reissues, and while most of it focuses on rock, big bands, and jazz of the 1920s—saleable product that can bring quick profits—specialist labels such as Europe's Document label have reissued discs and even cylinders from the late nineteenth and early twentieth centuries.

Just in time, I might add. Recordings from a hundred years ago are in dire need of preservation. This is especially true of the soft wax cylinders made in the 1890s, which are highly vulnerable to deterioration and breakage. The vast majority of copies are already lost, and many of the remainder have deteriorated beyond repair, with the recorded sound barely audible under a sea of surface noise. A few examples can still be found in good condition, for example, the remarkably clear 1893 Edison cylinder described in the chapter on the Unique Quartette.

They probably won't survive much longer. It is not too late to save what is left; however, record companies and even public archives have shown little interest in preserving commercial recordings of this early era, presumably because they are not as trendy as jazz of the 1920s.⁹ While record companies might be excused for focusing on profits, there is no excuse for the scandalous neglect of this earliest sound heritage by publicly funded archives. A survey by this author of the five largest public sound archives in the United States revealed that they hold only a few hundred commercial cylinder recordings from the 1890s between them; most surviving examples are in private hands. There is no organized program of preservation of publicly and privately held early recordings by transfer to modern media. Unlike flammable nitrate motion-picture film, wax cylinders do not threaten to burn down the building, so funding for their preservation has been given secondary priority. In a few more decades, the problem will in a sense be solved, as there may be nothing left to preserve.

Private collectors have been chiefly responsible for saving most of what now exists; however, they are not trained or equipped for professional preservation work,

and much has been lost through simple ignorance (see the sad story of the one surviving cylinder by early black minstrel Louis Vassier). Moreover, when collectors die their collections are usually broken up and sold, or sometimes simply discarded by uncaring heirs.

Using Copyright Law to Suppress Black History

Preservation is of little value if these historic sound documents are kept inaccessible to students and scholars. Most people are not aware that this inaccessibility is not due to a lack of parties willing to reissue them but rather to extremely onerous copyright laws in the United States that have the effect of actively suppressing the circulation of historic recordings. Not only can present-day record companies decline to reissue this material themselves, but they can—and do—prevent others from doing so by legal action or by demanding exorbitant fees.

Some early recordings made by now-defunct companies have entered the public domain, but many are under the control of modern successor corporations such as BMG (successor to Berliner and Victor) and Sony Music (Columbia). With the cooperation of a compliant U.S. Congress, the principle of copyright as a reward for creativity has been perverted into a tool to ensure the more or less permanent control of creative works by these huge multinational corporations. The number of years historic recordings are owned by them, not us, has been steadily lengthened, most recently by the quaintly named “Sonny Bono Copyright Term Extension Act” of 1998. Under current U.S. law the earliest black recordings covered in this book (from about 1890) will be under the control of modern corporations until 2067, that is, for more than 170 years. Until, of course, the next “copyright term extension act.”

Based on my research I estimate that approximately eight hundred commercial recordings were made by African Americans prior to 1920.¹⁰ The majority still exist in some form, but about half are controlled by successor corporations that will neither release them nor allow others to do so. Of the four hundred still under copyright I know of only two that have been reissued by the copyright holders in the CD era (see the discography). There is a demand for such recordings, as demonstrated by the fact that more than one hundred have been reissued by overseas labels who are not subject to U.S. law or illegally by small operators in the United States. These are often hard to find. For legal reasons few established labels, associations, or archives are willing to risk publishing such reissues.

European countries, which seem to care more about their cultural heritage than does the United States, generally have fifty-year copyright terms for recordings. That is why so many reissues of early American material emanate from abroad. U.S. companies have attempted to deny those reissues to American citizens through laws forbidding “parallel imports” of recordings they control, though these laws are often not enforced. The bottom line is that early black recorded history—indeed, all early recorded history—is being held hostage by ill-advised laws that serve no one’s interests, except perhaps those of the lawyers who are kept employed enforcing them. Modern record companies and artists have a right to have exclusive control of their creations for a reasonable period (the U.S. Constitution speaks of copyright

for “limited times”) and to secure effective protection against infringement during that period. But 170 years is clearly not “limited times.”

I hope that our scholarly, archival, and political communities will wake up to the outrageous suppression and in some cases actual destruction of our earliest sound heritage. I have made that appeal before, and I will make it again.¹¹ We must act before it is too late.

Organization of This Book

Part 1 traces the life and career of George W. Johnson, the first successful black recording artist. Because so little has been written about him, and because his story is so interesting, he is treated at some length. Parts 2–5 look at black artists who followed Johnson on record in the United States. Part 6 consists of a chapter about miscellaneous, unissued, and unconfirmed recordings by blacks prior to 1920, and a few mysteries. An appendix by Dick Spottswood on pre-1920 recordings by blacks in the Caribbean and South America is followed by the endnotes, a select discography of CD reissues, a bibliography, and an index.