

Article: Illegal Art's Extracted Celluloid

Written by Eric Ewing, for Segue, Sept/Oct, 1999

"IT HAS COME TO OUR ATTENTION that a CD entitled 'Deconstructing Beck' is currently available for sale by mail order through your internet address and/or website. It is our understanding that the CD contains thirteen tracks, each of which is entirely comprised of samples or snippets from various compositions written and recorded by Beck, one of America's most prominent recording artists. Most of the songs on 'Deconstructing Beck' are co-owned by Beck and BMG Songs, Inc., and are published exclusively by BMG Songs, Inc., throughout the world. No license has either been requested or issued for this use. Your unlawful use of Beck's material on 'Deconstructing Beck' constitutes an infringement of BMG's and Beck's rights under the U.S. Copyright Law.

We demand that you immediately cease and desist from any further sales of 'Deconstructing Beck'. The foregoing shall not be deemed to limit or prejudice the right of BMG or Beck, all of which rights are specifically reserved.

Sincerely,

Peter Brodsky, Assistant Director, Legal & Business Affairs, BMG Entertainment"

That was the letter received by Philo T. Farnsworth, spokesperson for Illegal Art, on April 8, 1998. Illegal Art is a label "dedicated to pushing the boundaries of copyright laws," and a letter like the one above was almost expected. Sending out press releases specifically stating that the songs on the CD were made entirely from Beck samples is the kind of action that probably gets lawyers' attention. One might go further and say that sending a copy of the press release directly to Beck's record label virtually ensured confrontation.

It was all going according to plan, and Illegal Art didn't back down. Instead, other groups and organizations came to its aid. The band Negativland, who made the annals of law history with their own copyright law challenges, jumped into the conflict immediately. The prank corporation did their best to ensure that the media knew about how Beck, an artist whose heavy use of sampling propelled him to the top of the pop charts, was now trying to crush a small record label through litigation.

How did it end? Well, the lawyers for Beck's label saw that their efforts were embarrassing their client and damaging his reputation while simultaneously providing free advertising for "Deconstructing Beck." They crawled back under their rocks. "Deconstructing Beck" is still available at illegal art. "Actually the ordeal was exciting since it never really got out of hand." Says Philo (whose name comes from the inventor of the television). "If they'd actually taken us to court rather than just sending threatening letters it probably would have been more stressful."

Now available from Illegal Art is a compilation CD entitled "Extracted Celluloid." Like its predecessor, "Extracted Celluloid" is made entirely of samples, and this time Hollywood is the target. Though the sources of the samples are given, no permission was sought (much less granted) for their use. Philo says, "Our approach didn't really change with Extracted Celluloid. If anything our outlook is more determined as we've already stood our ground and survived." The artists on EC enjoyed working on the project more for the fun involved in meeting the compilation's requirements rather than for philosophical reasons. Don Falcone, who performs under the name Spaceship Eyes, appears on EC as Alien Heat. "The second IA CD gave me a chance to experiment with sound in new ways," he says, "challenging me to marry found audio (from film) and traditional composition in an inventive and enjoyable context." Ed Chang, another contributor, had an even simpler reason for joining in that Illegal Art would give him "a free CD even if [he] didn't make it on the comp!"

Despite disparate motivations, they all feel that sampling is a valid way to recycle sound. Ed Chang: "I think found sound and sampling can be used in the same way as notes and rhythms and dynamics in any classical orchestral piece. Except that they have an additional parameter: ironic connotation."

Don agrees. "Found sound is like water in a pond (or even the words and sounds we utter). You always have choices: which pond, which flavor of pond water. The pond is part of nature, part of our world. So is sound. There's no reason why an artist shouldn't consider tasting the waters of each and every pond. I only have a problem with taking huge amounts of pond water. In terms of sounds, it's much like being in a cover band, a style that has never interested me. The beauty of sampling is to take from the past and create something new." Sounding new can be a challenge when the source is already out there. "A lot of people sound the same," says Ed. But sameness has been a staple of old time rock & roll for years. How much innovation can be squeezed out of drums, guitars, and vocals? What's the difference between Whitesnake and Poison? Between Mariah Carey and Celine Dion? Between Elvis Presley and John Lennon? Isn't any rock & roll song at least 99% derivative as soon as a band gets together in the studio to record it? As Philo puts it, "Musicians have always borrowed from each other." So why should big name artists be upset when their output is incorporated into something new? If the first person to ever use a guitar cried foul and hired lawyers when someone new started strumming, our radio stations would be silent. Do we really want to force our art into a situation where everything must pass through a cadre of lawyers before anyone can see it? Pulling sound clips from film gives an artist more freedom. It's hard for a movie producer to claim that a song is trying to be a movie. If the sound of a man grunting as he's being punched in the stomach is used as a bass line (as happens in the Pine Tree State Mind Control track "Testosterone"), no actor is going to say that his best work has been stolen (The sample comes from the 70's street gang movie "The Warriors").

Sampling is not limited to audio arts, either. In this century, we've seen the Mona Lisa mustachioed by both Marcel Duchamp and Salvador Dali. Warhol reproduced a soup can. Collage is a valid art form, and sculpture frequently incorporates off-the-shelf consumer goods. To copy with the intent to replace or to masquerade as the original is unethical, but sampling by its nature is quite different. Who should make the determination as to whether fraud is being committed? Art consumers or the law establishment?

The tracks on "Extracted Celluloid" can safely be called experimental. As with any compilation CD, some tracks shine while others don't. This is all a matter of taste, though, and the range is such that everyone will find something intriguing. It's good addition to a CD collection whether you want to support an independent label's exploration of sound construction despite well-funded opposition or if you just want to hear some interesting music.

Illegal Art's next sampling project is a collection of music that uses television commercials as the source material. How will this experiment fare? It's hard to say. The "Deconstructing Beck" release had lots of free publicity despite the lack of really big name bands. Most reviews of this project focussed entirely on the questions of copyright infringement and the media circus surrounding it instead of how the CD sounded. Furthermore, its obvious media appeal meant that the people writing the articles were used to writing articles about things with obvious media appeal (i.e., the reviewers weren't always fans of experimental music). It's hard to find reviews of "Extracted Celluloid," though. The content is of the same quality as the Beck CD, but the furor has died. Without lawyers to validate the effort by challenging it, EC has yet to catch fire. It's too early to guess the success of the next compilation.

On the other hand, commercial performance isn't the only measure of success. Satisfaction with the results is what makes the artists happy. Since art can only be defined and valued by the person experiencing it, having free reign in its construction is essential. Philo maintains that "artists shouldn't need permission to do anything. Perhaps a sense of irony and anarchy is what we, as art consumers, need. If we, as art producers, eschew the use of traditional instruments, instead opting for new, vibrant methods of finding and manipulating sound waves, whether we create the sound from scratch or pull it off some other artistic by-product of civilization, we'll be opening new doors for creative output. This will enable future generations to learn about music of our era without Stairway to Heaven 101 as a prerequisite. I don't think it's hyperbole to say that the work done by Illegal Art in this area represents a victory for those who fear a blunt rock & roll religion. Of course, we would have to run that past our attorney first."