One look at the wall of records—six-feet high by thirty-feet long—and anyone with the collector impulse will be driven to listen. The image appears on the back cover of the seventy-two-page booklet that accompanies a CD released in 2003: Down in the Basement: Joe Bussard’s Treasure Trove of Vintage 78s 1926–1937, 24 Rare Gems from the King of Record Collectors (Old Hat CD-1004). The compilation includes a variety of music styles—string bands, blues, jazz, country, Cajun, and gospel, all remastered directly from Joe Bussard’s personal archive of 78s. Yes, his wall contains 78s, over 25,000 in all, and is located in the basement of his house in Frederick, Maryland. Marshall Wyatt of Old Hat Records succinctly describes the various roles of the record collector: “be it archivist, historian, entrepreneur, entertainer, or educator.”¹ No other collector I know embodies these diverse functions in quite the manner of Joe Bussard because of the multiple ways he makes his library of records accessible to anyone with an interest. Since Wyatt’s label has successfully fulfilled these roles as well with its first three compilations of rare and obscure 78s beginning in 1997 with Music from the Lost Provinces: Old-Time Stringbands from Ashe County, North Carolina & Vicinity, 1927–1931, Old Hat Records provides a worthy outlet for Bussard’s deep collection and raises significant questions about copyright law, primarily who owns our cultural and musical past and who provides or allows access to that past.

Joe Bussard began collecting 78s in 1947, canvassing for records door-to-door, as he says, “house to house, gap to gap, hollow to hollow,” in the area he knew best—the mountains and valleys of Southeastern Appalachia, a place where miners and farmers alike bought and kept 78s. “I usually could look at a house and tell you if it had records in it,” he maintains.³ The 1950s and ’60s were the heyday for 78 collectors such as Bussard. According to musician and collector Tom Hoskins, Bussard “was canvassing earlier than most, and he’s been at it longer, and he took everything.”⁵

Before Down in the Basement was released, anyone could have heard any recording from Bussard’s massive library by special ordering a mixtape directly from Joe himself. While one of his premixed collections of songs, often by genre or artist, would easily satisfy me, one could order a custom tape where Joe pulls requests from his entire 78 collection for fifty cents a song. Still today, he continues this labor-intensive practice of disseminating the music he loves. He has been supplying a typed catalog by genre of his collection for the minimal cost of xeroring; now much of it has been or soon will be listed on his website (www.vintage78.com). Forty-three prerecorded mixtapes are currently listed with CDs reportedly available in the near future.

Joe Bussard’s basement, with cat. Photo by Marshall Wyatt, courtesy of Old Hat Records.
three times until eighty-five sides were digitally transferred. Wyatt selected the songs for the anthology, and those 78s were then again driven to Chris King’s place in NC called Long Gone Sound Productions where King retransferred the twenty-four sides for the collection. How were the 25,000 78s ‘paid down to eighty-five, and then how were the twenty-four sides culled from eighty-five? Wyatt tells the story:

I originally had a concept to pick twenty-four tracks from twenty-four different record labels, but I abandoned this idea because picking-out diverse labels became more important than the actual music. So, the eighty-five tracks were picked based on the quality of music, as well as how the tracks reflected Joe’s tastes, his collecting habits, his stories, and his names of enthusiasm. This was possible after spending many hours with Joe, playing records and hearing his stories and his rants.

I also picked the final twenty-four with these factors in mind, but also with the idea of representing Joe’s collection proportionately in terms of genre—in other words, the percentage of old-time string bands on the album is roughly the same percentage as you’ll find on his record shelf, etc. I could gage this because I've had copies of Joe's typewritten catalogs for years (along with periodic updates)—and these catalogs are divided by genre.

And one other thing—the condition of the records also played into the decisions—if condition wasn’t up to a certain standard, the record wasn’t used. In some cases, records I picked were not the best-known copies, but I didn’t want to borrow “surrogate” records from other collectors, even if the condition surpassed Joe’s copy. I stuck with the concept that this album is about Joe’s collection, so everything on the album is actually from Joe’s shelf. All in all, I think the sound quality of the album is quite good.

Many of the [original eighty-five] transfers were beautiful, but some needed improvement. Chris King has a great ear for this kind of music, great technique, and great patience—he’ll work for hours on a single track if necessary. Chris is possibly the most exacting sound-man in the business, whose expertise goes beyond technique—he truly understands the quirks nuances of 78s. So I made a final selection of twenty-four tracks, and we carried those tracks to Chris.99

Reissue companies such as Old Hat, Yazzo, and Rev- enant must often answer the question who has the best copy of each venerable 78. According to Wray:

Among like-minded collectors who let it be known and are willing to let others borrow their rarities, it’s generally known who has the cleanest copies of rare records. However, some collectors are quieter or not in the loop; their collections are not part of this resource pool. Still other collectors may not realize the disc they possess is beautiful in shape, and may not value, is considered by another segment of the collector community to be extremely desirable.11

Similar to the rarest 45s, there are simply not enough copies to go around. In addition, a mint-minus copy or in 78 lingo an “E” copy of a seventy-five-year-old record probably does not exist anywhere. The last several issues of 78 Quarterly, the sometimes—annual journal that functions as the Wax Poetics for the world of 78 collectors (http://www.blueworld.com/78/Q4q)., have been compiling an annotated list of “The Rarest 78s.” Each annotation lists the number of known or reported copies, one, two, or more of the owners of the 78 by last name, the condition of the respective copy, and a copy of the 78’s transcription of a possible commentary on the song or its acquisition by the collector. Other than the blues 78s that I have heard via a number of Yazzo releases, honestly, I know nothing about a majority of the 78s listed; nonetheless, I thoroughly enjoy reading each annotation. The last two issues and again, Bussard, Spottswood, Whelan (the editor/publisher of 78 Quarterly), Nevins, and many more represent an organized network of collectors who have freely and willingly pooled their collections into a more extensive archive of recorded sound available to the public in the aforementioned ways.

Joe Bussard, with 78 collection. Photo by Marshall Wyatt, courtesy of Old Hat Records.

The best form of preservation is dissemination.
—Dick Spottswood

As Wray began the story of the 78s used in Down in the Basement, he said something that has stayed with me because of its multiple implications: “The sides are the not the best copies, but they are Joe’s copies.” When track one plays, “The Lost Child” by the Stripling Brothers—the 1928 recording that Joe uses to open his many radio shows—the noise and hiss from Joe’s 78 is clearly audible. The sound, though, is not just any old noise. It is fused to Gray’s song, and is a significant part of my listening experience. In the noise, I hear over fifty years of record collecting. I know of dusty fingers and then untouched store stock. I see count- less mile after mile through coal country, and I acutely sense story after story, a dead end after, as Joe would say, a “hail.” I might as well be down in the basement with Joe listening to the history of how and where he found this particular copy of “The Lost Child.” Here, Joe functions as far more than a—-a curator, historian, and disseminator of America’s culture past.

“The truest form you’ll ever hear in American music is on these records,” Bussard explains. “It was put there, and it’s remained there for seventy years. It hasn’t changed.”13 Filmaker and fellow collector Terry Zwigoff vividly describes old-time music in an interview with Marshall Wyatt:

To me it means pre-1933, with a few exceptions. I col- lect records from 1926 to 1932 mostly. I tend to think that a lot of these records represent music that was unchanged since the turn of the century. Old-time music to me infers that it’s pure and in some regards
Long Cleve Reed and Little Harvey Hull—Down Home Boys on the records, is “Original Stack O’Lee Blues” by Long Cleve Reed. His most renowned 78, one of the rarest of blues records, is “That Trouble in Mind” by Fields Ward & the Grayson County RailSplitters, an unissued test pressing on Gennett Records given to Bussard by Fields Ward himself in 1927. Apparently in 1929, Ward and Earnest Stoneman fought over authorship over a number of songs, so Ward went to the record plant, made one pressing of each song, and then destroyed the masters. Ward donated the sole copies of the songs he pressed to Bussard’s collection, further codifying the importance of Joe’s work as the curator of an invaluable archive of vintage 78s. Moreover, the quality of “Original Stack O’Lee Blues” and “That Trouble in Mind” is equal to their rarity, and both of Joe’s copies are included on Down in the Basement.

After considering copyright law and the recent rare funk 45 legitimate reissues [see Wax Poetics issues #6 and #7]. Joe’s collection and the dissemination of his records challenges copyright law and fair use in other ways. Consider again Justice Breyer’s central argument in his dissenting opinion in the Eldred v. Ashcroft Supreme Court ruling in 2003 on the Copyright Term Extension Act of 1998. Breyer writes, “The potential users of such works include not only movie buffs and aging jazz fans, but also historians, scholars, teachers, writers, artists, database operators, and researchers of all kinds—those who want to make the past accessible for their own use or for that of others.” Other than Columbia’s Legacy Roots N’ Blues series, which revolved around the 78s that caught the ear of Robert Johnson box set and the brief flurry of its partners or the contracts. And they simply refused. So it’s fair use. Joe has recently talked about his failed attempts to start a museum didn’t attempt to amass a world-class collection of 78s years ago. He writes, “No museum or institution thought to systematically collect the commercial recordings of that era [1920s and 1930s]. Likewise, the record companies themselves took no pains to preserve their product once items were deleted from the catalog. It was left to the initiative of a few private collectors to save this priceless resource for posterity.”

Harry Smith’s influential Anthology of American Folk Music, first published in 1952, created the blueprint for circumventing copyright in this manner. After all, Smith laboriously collected the 78s that the various labels failed to keep in print as they systematically destroyed the master tapes. At the time, did the label owners think that the historical, cultural, social, and musical value of the previous year’s 78s had been completely destroyed and rendered obsolete by their current stock of issues? Who decided to clean out their respective basements only to make room for the newest, latest recordings? If a master has long been destroyed and an obscure artist disappears into the distant and blurred margins of social, cultural, musical history, who indeed owns the only known copy in existence, but in valuing art over commerce grants the most to the spirit of Justice Breyer’s reading and understanding of the dual intention copyright law, the at times contradictory balance of public and private good.

The best days of canvassing are long-gone, but I know Bussard is still out there looking for records. For, like any true collector, the collector impulse cannot simply be quelled and satiated. Joe has recently talked about his failed pursuit of the rare “Crossroad.” Robert Johnson record on Vocalion and the frustrating woman who won’t let it go for sale. Joe concludes, “I’m close to saying the hell with it. I’ve got plenty of records to play if I never get another one. But there’s never enough.” Joe’s a bit overenthusiastic, sort of the extreme expression of the collecting mentality.”

TWO DOLLAR INVESTMENT BY JOE BUSSARD

I was hunting for records down in Virginia. I went into this filling station right across from where I was staying at a motel and there was an old guy pumping gas. In his seventies I guess. I showed him a record: “You got any of these? You know anybody that’s got any?” He said, “Oh, yeah. If you want records, I know somebody—he lives over here on the other side of the mountain. He’s got all kinds of records.”

And he told me this guy’s name. The guy ran a hardware store. So I got the name and looked in the phone book. And...
it cost a dollar to call the other side of the mountain. So I dropped four quarters in, and I got the store: “Oh, he’s not here, he’s up at the house.” I said, “What’s the number up there?” And I got the number, and I dropped four more quarters in. The best two dollars I ever invested in my life!

When I got him, he said, “Yeah, I got a lot of them old records over here.” I said, “Look, if I come over there, can I pick out and buy what I want?” “Yeah!” So I drove over there, went all the way up the other side of Bluefield and back into Virginia and I wouldn’t be a bit surprised if this town wasn’t in Virginia, but in West Virginia very close to the line. I’d have to get a map. It was a little coal town, it had been forgotten long ago by by-passers. And I went right down in the heart of the thing and the street wasn’t any wider than this room, the main street where the store was. I looked all over for a place to park, I had to park on the sidewalk. It was dead, the whole place. Walking into this old store was like going back seventy-five years. Big old round globe lights hanging down, five or six of ‘em in a row. And the old tile ceiling, that old metal tile with pictures in it, that wrapped around. And I went back and finally found the guy, a little short bald-headed guy. He said, “Yeah, yeah, I’ll take you up where the records are.”

We got in this freight elevator—a snail could have got up there faster! I thought we’d never get to that second floor! But we finally got there, and there was a balcony that ran all the way out the whole length of the store. You could walk in the back and look down on all the merchandise. And halfway out the balcony was a shelf with, I’d say, five or six thousand records. They were stacked in there, all paper sleeves, and the sleeves that were out on the outward side were black with coal soot. I reached up in the very far left hand corner of the shelf. The first record I pulled out was “Sobbin’ Blues” by King Oliver’s Jazz Band on Okeh, new. Absolutely mint! I put that down, I pulled the next one: “Dead Man’s Blues,” Vocalion, new! Put that next one aside, next one I pulled was “Jack Ass Blues,” new! Deep Henderson, new! Next one was Jelly Roll Morton’s Steamboat Four on Paramount, mint! It just kept going on and on and on, and I know I must have peed in my pants three times! I kept feeling like the balcony was tilting and I was going to slide off over top of the rail down on the floor below, like something was drawing me backwards!

It was heavy on Columbus, very heavy on Brunswick, Paramounts, Bluebirds, Victor—all had the major labels. Vocalions—there was three Uncle Dave Macons there. That was the only country stuff, because all the country stuff had been bought out. You know, because it was down in that area. Uncle Dave’s first record was there: “Chewing Chewing Gum” and “I’m Going Away to Leave You,” 1923. That was the first one I found. Absolutely new, never been touched. And another Uncle Dave I found was “The Bible’s True,” you know, “nobody’s gonna make a monkey out of me.” That was in there, and there was unusual stuff in there. The Old Pal Smoke Shop Four, mint, came out of there. All kinds of stuff! Kansas City Stompers on Brunswick, all kinds of Brunswick 70000s. Oh, my Gaahd! It was just unbelievable! I had five stacks of records at least four feet high! And I carried ‘em down, I went down the steps, I took as many as I could carry, and took ‘em all downstairs and put some on the floor and some on this table, and the table was wobbling side to side with so much weight on it. And the old guy comes up: “Oh, I see you got some there.” He ran his hand along a stack of records and the soot flew off the sleeves. “How many you got in a stack?” I said, “I don’t know, I didn’t count ‘em. How about a hundred bucks for the whole works?” He said, “Take ‘em out of here!” I put those five 20-dollar bills in his hand so fast that Jackson just about slid off! And I didn’t walk out of that store, I floated.

Joe Allen is a professor of English and a regular contributor to Wax Poetics.

Notes:
Special thanks to Keith O’Neill for guiding me through the world of 78s.
2. Line no. to Down in the Basement.
6. Line no. to Down in the Basement.
7. All Things Considered.
8. John Fahey recorded his first country blues-influenced sides on Paramount under the production of Blind Thomas. In the mid-60s, Fahey with Dean Blackwood formed Reventon Records, a label that would rename, according to Fahey, “American rare roots.” Another of Fahey’s musical compilations include Dogg Backs and the unreleased fourth volume of Harry Smith’s anthology of American Folk Music. Reventon’s upcoming anniversary edition to date is the three-time Grammy-winning seven-on-box set “Sunnyside” and the label’s new release “The Blues: The Worlds of Charles Patton” in 2003. Fahey had been working on this massive project for decades, and sadly it was finished just after his death.
9. qtd. in Dean.
11. All quotes by Harris Wray are from an interview by Joe Allen on January 12, 2004.
12. qtd. in Morris.
13. All Things Considered.
16. “Tapping the Ol’ Bussard Midas Pile.” LA CityBEAT June 13, 2003. Chris Morris discusses the end results of Robert Johnson box set: Fat the better part of a decade, no old blues title, no major history obscure, seemed beyond the attention of the major labels. And then, as suddenly as it began, the new wave of blues reissue activity ground to a stop. The reason for this sudden curtain isn’t hard to divine. While the Robert Johnson package proved a bona fide hit, none of the succeeding releases from the majors could even hope to attain the kind of interest—and sales—that the Johnson box received. The majors’ visions of big blues catalog sales ultimately proved illusory.
17. qtd. in Anthony.
19. They used many of Bussard’s 78s when the Anthology of American Folk Music was remastered and reissued in 1997.
20. qtd. in Dean.
21. Line no. to Down in the Basement.
22. qtd. in Dean.
24. opd. in Dean.
25. qtd. in Wyatt, Marshall. “A Visit with Joe Bussard, Jr.” The Old-Time Herald Spring 1999. The liner notes to Down in the Basement include much of this article and interview with Bussard. Both contain several other memorable record collecting stories. Reprinted with permission.

Quannium Ad