

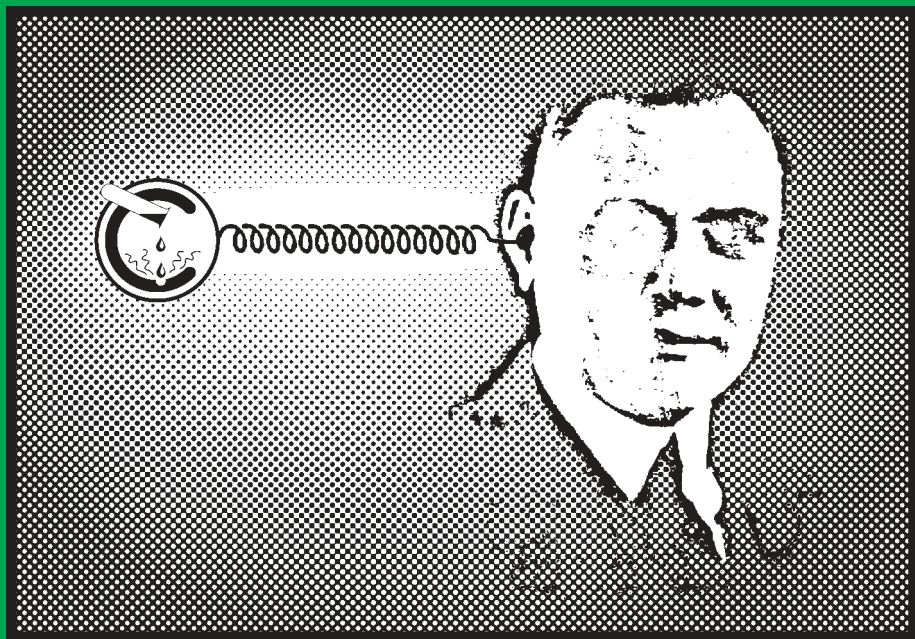


# CVS *bulletin*

COPYRIGHT VIOLATION SQUAD

**FIRST DISPATCH • FEBRUARY 1993**

**T**he Copyright Violation Squad (CVS) was founded in 1992 in an effort to make publicly available those cultural works



which have been suppressed because they theoretically violated copyright law. It is our view at the CVS that, in spite of the the questionable legal nature of these releases, they are nonetheless valid products of cultural work — ethically valid in their own right — and as such, deserve to be heard by those who are interested in them. [continues

## C O N T E N T S

Graphic for cover and <b>News &amp; Commentary</b> by EDITOR .....	1815
"Disclaimer" by Brian Goldberg .....	1821
<b>Parallel Culture</b> by Luke McGuff .....	1822
"What Happens to the Reader?" by Ross Martin from <i>Your Name Here</i> .	1824
<b>How SST Sees It: Negativland's U2</b> by Greg Ginn .....	1826
<b>Negativland Gets Their Say...</b> .....	1829
<b>The Electric Triad</b> by Fortner Anderson .....	1831
Graphic by Lloyd Dunn .....	1832-33
<b>General Reviews</b> by EDITOR .....	1835

## C O N T A C T S

Mystery Laboratories, P.O. Box 727 Station P, Toronto, Ont. M5S 2Z1 Canada  
 CVS—Ohio Chapter, 6370 York Rd, Ste 115, Parma Hts OH 44130  
 Stupidland, P.O. Box 136 Station P, Toronto, Ont. M5S 2S7, Canada  
 Mike Pearce, P.O. Box 451265, Atlanta GA 30345  
 Chris Berthoud, 73 Fitzgerald House, East India Dock Rd, London E14 OHH UK  
*Electric Shock Treatment*, 35 Fordington Ave, Winchester SO22 5AN UK  
 Frans de Waard, Opaalstraat 19, 6534 XK Nijmegen, Netherlands  
 Stride, Rupert Loydell, 37 Portland St, Newton, Exeter, Devon EX1 2EG UK  
 Turbo Queer, 8283¼B Santa Monica Blvd., West Hollywood CA 90046  
 Brian Goldberg, P.O. Box 419 Prince St Station, New York NY 10012  
 Luke McGuff, P.O. Box 31848, Seattle WA 98103  
 Ross Martin, P.O. Box 10355, Portland ME 04104  
 Greg Ginn, SST Records, P.O. Box 1, Lawndale CA 90260  
 Negativland/Mark Hosler, 2608 62nd Ave NW, Olympia WA 98502  
 Fortner Anderson, 4083 Clark St, Montreal, Que. H2W 1X1, Canada

*The CVS Bulletin* is edited by Lloyd Dunn and sponsored by the Drawing Legion, a non-profit performance and intermedia company based in Cedar Rapids, Iowa.

Issues of *The CVS Bulletin* appear sporadically, in intermittent series with other Drawing Legion Publications, such as *Retrofuturism*, *YAWN*, and *PhotoStatic Magazine*. Subscriptions for one year of Drawing Legion Publications, up to 200 pages of output, cost \$10, delivered bulk rate in the US. The rate is \$12 for delivery to Mexico or Canada; \$18 elsewhere by surface rate. In all cases, local currency equivalent is acceptable if you send cash. Back issues are available.

Send a self-addressed stamped envelope, and we will send you a complete listing of items available.

Submissions of writing and graphic work are welcome and encouraged. No submitted work will be returned unless it arrives here accompanied by a self-addressed stamped return envelope.

Everyone who contributes in some way to any Drawing Legion Publication, whether they send a letter to the editor, or a work to be reviewed, or work to be published, will receive a copy of whatever issue in which their contribution appears. Send all editorial mail to: [psrf@detrutus.net](mailto:psrf@detrutus.net). Websites at: <http://cvs.detrutus.net/> and <http://psrf.detrutus.net/>.

*continued from front cover]*

So far, three titles have been put into redistribution by the CVS. These include:

**The CD *Plunderphonic***, made by Toronto's Mystery Labs (a.k.a. composer John Oswald). Litigation against this recording was threatened by the Canadian Recording Industry Association (on behalf of Michael Jackson) for infringement of copyright. Oswald was forced to turn over the master tapes, and all undistributed copies of the disc were destroyed, in spite of the fact that he was giving them away and paid for the production and manufacture of the disc out of his own pocket.

**The single *U2*** by San Francisco Bay Area's Negativland. Although it is unclear what the members of U2 think, they allowed their management to file suit against Negativland and SST Records, and to rack up some \$70,000 in legal fees. Once again, the master tapes were turned over to the litigator and all remaining copies of the single in all formats were destroyed. In addition, the copyright, which was held by Negativland and SST was turned over to Island, making them the "owner" of the recorded work.

(The CVS would like to point out that it believes that neither of these audio works might have been in trouble had it not been



for the fact that they both sported provocative graphic art on their covers. The *Plunderphonic* CD showed a collage image by Oswald showing Michael Jackson's head and clothing on the body of a nude woman (see above). The Negativland recording's cover art taunted U2's management by having "the letter U and the numeral 2" featured more prominently than anything else on the record's cover. What CVS is *not* saying is that these artists "were asking for it," so to speak. We would merely like to point out that the legality (or illegality) of sonic sampling has not been clearly established. On the other hand, the protocols for the use of copyright or otherwise protected

To get a copy of all three of the works currently on the CVS roster, **send a blank 100-minute cassette** (PLEASE NOTE: This specific length makes our dubbing procedure more efficient than any other) **and a self-addressed, sufficiently stamped return mailer** to the this address: Copyright Violation Squad, P.O. Box 227, Iowa City IA 52244. A \$1 donation is requested for each dub ordered. This will help to defray the routine costs of cassette recorder and CD player maintenance.

To date (January 12, 1993) the CVS-Iowa Chapter has redistributed 328 copies of *Plunderphonic*, 181 copies of Negativland's *U2*, and 22 copies of *Rubaiyát*.

*words and graphics* (which includes trademarks) is fairly well established by the legal system, and therefore the prospects for success in such a litigation are more likely. It seems to us that both Negativland and Oswald might have gotten by with their nominal musical "theft," but clearly the unauthorized use of proprietary graphic motifs left them wide open to litigation. This is mentioned only because it might be useful information for anyone interested in undertaking projects which make use of copyright-protected works. Little doubt the observation is no consolation either to Oswald or to Negativland.)

The third title redistributed by CVS is **John Oswald's *Rubaiyát***, which was an application of the *Plunderphonic* concept to Elektra Record's catalog of back releases. Elektra got wind of Oswald's row with the CRIA and decided to commission Oswald to make a work commemorating the 40th anniversary of Elektra records. The promo-only CD EP was withdrawn from circulation (to radio stations only) by Elektra (According to Oswald, "...the estate for one of the artists insisted on an exorbitant mechanical royalty.") and Oswald requested that CVS add it to its roster. So we did.

In addition, the CVS is working on adding another title to its roster: KLF's *Presents the Jams 1987*. This record was brought to our attention by Stewart Home, of London, England. It was pulled from distribution because it had used samples

from the pop group Abba, whose management sued, so the case is apparently very similar to that of both Negativland and *Plunderphonic*. We have not yet contacted KLF, but as soon as it is all worked out, an announcement will be made. If anyone knows how they can be reached, let us know.

## CVS Opens New Chapter in Ohio



In keeping with our basic idea of making cultural work widely available and decentralized, the new **Ohio Chapter** of the **Copyright Violation Squad** is now in operation.

The Ohio Chapter will operate according to the same procedures as the one based in Iowa (for procedures, see bottom, p. 1817). The same roster of titles is available. The same terms for acquiring them subsists. The address is: CVS-Ohio Chapter, Suite 115, 6370 York Road, Parma Heights OH 44130.

We are trying to get as many people as possible to form CVS Chapters, partly in an effort to diffuse responsibility for this activity, but mostly just to get these works into the hands and ears of more people. If you or anyone you know is interested in

opening their own chapter of the Copyright Violation Squad — it's easy — just inquire at this address. Now all we need is an Idaho Chapter and then wouldn't everyone be confused.

## Anti-U2 Compilation Cassette Announced

Someone at an unnamed Toronto P.O. Box has put out a call for submissions to be considered for inclusion on an "anti-tribute" cassette compilation dedicated to mega-rock group U2.

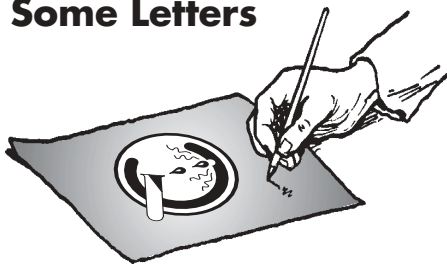
The compilation is being put together "...in protest of the corporate/legal bullying of experimental music group Negativland by...Island Records...". The announcement also states, "They F-ed Negativland, They F-ed John Oswald — and they could FU2."

Apparently to be entitled *Stupidland*, the deadline for submission is listed as "mid-December '92," so readers interested in submitting or acquiring should inquire first: call (416) 58-0705, or write: Stupidland, P.O. Box 136 Station P, Toronto, Ont., M5S 2S7 Canada.

—EDITOR



## Some Letters



I was glad to see your article in *Retrofuturism* on [no. 16, p. 1750] your blatant disregard of the *SST vs. Island Records* ruling. It is disgusting that Island would sue for Negativland's appropriation of the U2 symbol (when they have appropriated it from the USAF). There seems to be a lack of understanding of what it means to take a symbol and change it or comment on it.

The many recent court cases involving intellectual property show that laws that were intended to protect inventors/creators and to encourage dissemination of information have been used to punish those who re-use or improve the inventions/creations of others. Brown Bag Software lost against Lotus for copying the keystroke structure of 1-2-3 (how can one "own" keystroke sequences?). NWA settled out of court with Tin Dog for samples of NWA's drumbeat; the first rap-on-rap sampling case.

There seems to be a shifting of definition of what intellectual property is, from the definition of a whole work being this property, to the definition of even the most insignificant portion of a work being a copyrightable piece of property. There seems to be more and more lawsuits where even references (i.e., James Brown) to a work or icon are seen as infringements. On the positive side, both the

Xerox vs. Apple Computer and Apple vs. Microsoft cases of computer interface metaphor copying were thrown out, although on technical grounds.

Just as disgusting as Island's suit is the consumerism of those that were lucky enough to get copies of Negativland's *U2* before it was withdrawn. I've heard stories of people going to record stores, buying all the copies of *U2*, and then selling them at record shows for 20 to 30 dollars. These people see the CD as a product, and not for the point that Negativland is trying to make (I don't know what the point is, since I haven't heard it yet). ...I hope that you will continue to fight these anachronistic notions....

—M. Pearce, Atlanta, Georgia

...I am sure that you will be obtaining some grim satisfaction from the recent news about U2 and the trouble brewing between them and Jenny Holzer. She is claiming that the "imagery" used on their latest tour and in the video for their single "The Fly" is a direct steal from her work. This has resulted in the amazing statement from a spokesperson for the band: "In today's pop culture everybody is influenced by everybody else." Other people are plagiarists, but U2 operate on an altogether higher plane, it would seem. This remarkable hypocrisy is nothing more than what could be expected from such a band, but it is always pleasing to see it highlighted in such a blatant fashion. Paul McGuinness has described Holzer's reaction as "mischievous and grabbing for attention," apparently something that never crossed U2's minds when they acted against Negativland.

—Chris Berthoud, London, England

## Plagiarism: The Issue Lives On

Although the last Festival Of Plagiarism took place in 1989, judging from recent accounts in what's come to be known as the "alternative press," the issue continues to stir debate and lively exchange.

Take issue number 3, the summer, 1992, issue of *Electric Shock Treatment*, a news and review magazine that comes out of Winchester, England. In a six-page, four-part article entitled "The Unacceptable Face of Plagiarism?," the 'zine gives the low-down on the subject, with specifics on the Negativland/*U2* altercation, John Oswald, the Tape-beatles (their CD *Music with Sound* is called "...a powerful, compelling album..."), and Stewart Home's 1988 book *Plagiarism: Art as Commodity and Strategies for its Negation*. This article is small-press reporting at its best. Copies of *EST* go for £1.50. Write: 35 Fordington Ave, Winchester SO22 5AN, United Kingdom.

Another ambitious piece of reportage on plagiarism comes from the Dutch journal *Vital: Magazine for Electronic and Electroacoustic Music*. The June, 1992, issue (no. 24) carries the third of a multi-part series called "The Anti-Copyright Discussion," by Anton Viergever. It splits hairs and covers all the bases in its exposition of the issues important to "The New Breed" of plagiarists. Other items of note in this issue are a four-page exclusive interview with "America's Foremost Cultural Embezzlers," the Tape-beatles (again, written by Viergever), and a brief essay by Achim Wollscheid entitled simply, "Plagiarism." *Vital* is available for fl12.50 (or

inquire) from: Frans de Waard, Opaalstraat 19, 6534 XK Nijmegen, Netherlands. Oh, yeah, the entire journal is in English.

Scotland's *Peak Listening Period*, issue no. 33 $\frac{1}{3}$  of the series *Stride*, also enters the fray. Not only does it reproduce what is apparently an authentic sales brochure for the company that produces Muzak (which, we are told, "...can mitigate stress and produce beneficial psychological changes. The entire process is known as Muzak stimulus progression. It is totally unique. And no music alone can achieve it. Because music is art. But MUZAK is science..."), it also devotes three pages to Tape-beatle propaganda penned and designed by the lads from landlocked Iowa. Reproduced are two *Rolling Stone* detournements entitled, "The Tape-beatles win unusual self-plagiarism suit," and "For the members of the Tape-beatles, the silence lasts 4 minutes, 33 seconds," as well as "Plagiarism®: A Recombinant Essay."

*Peak Listening Period* is edited by Chris Mitchell, and is available from: Stride Publications, 37 Portland Street, Exeter, Devon, EX1 2EG, United Kingdom.

## Big Publisher Attempts to Smash Small One

In another alarming case of litigational overkill, Meredith Corporation of Des Moines, Iowa, the publisher of the pollyanna periodical *Better Homes & Gardens*, has filed suit against Dan Levy, who is the editor of a queerzine called,

you guessed it, *Better Homos & Gardens*.

Described as "...a quarterly 'zine of poetry, fiction, and visual art by some of the queer activist community's best-known artists...", *Homos* apparently brought down Meredith's wrath through a "...confusingly similar...name and appearance to..." *Homes*. In addition, Meredith apparently took offense at the homosexual content, citing that *Homos'* format "...would clearly have a tendency to impugn [*Better Homes & Gardens*] and injure the plaintiff's reputation."

The effect of the lawsuit was apparent: Levy was forced to stop using the name *Better Homos & Gardens*, opting instead for *Turbo Queer* in all future output. The less obvious agenda at Meredith, it would seem, was to vigorously distance themselves from any appearance that might lead people to believe they have any sympathy whatsoever for nontraditional life-styles. For more information, contact Jordan Peimer at (213) 650-7590.

### DISCLAIMER

Your presence here constitutes acceptance of the terms of said disclaimer granting permission to photograph and record you visually and orally for whatever reason, including use in TV and/or film productions, newspapers, magazines, etc. You hereby grant universal rights for any reproduction of your image, likeness, or voice in any form whatsoever.

INV89001

# P

parallel

*What exactly is a 'parallel culture'?  
Nothing more and nothing less than a  
culture which for various reasons will  
not, cannot, or may not reach out to  
the public through the media which fall  
under state control.*

Vaclav Havel, "Six Asides About  
Culture," *Living In Truth*

-----  
-----

**E**ncountering Havel's words was like finding the secret opening: I felt that he referred directly to a life I had been living, and a work I had been creating, for several years. The parallel culture exists in America, and can ultimately put as many cracks in the edifice of our



dominant culture as the parallel culture of Czechoslovakia put in its.

The opening was because I thought Havel's description fit our parallel culture better than other attempts to define or describe it — i.e., as "marginal," "small press," or whatever. Parallel gave it more reach, more power.

Culture in the U.S. today is not as blatantly state-controlled as in Czechoslovakia. Our dominant culture is controlled

that provide a genuine critique or lampoon of the dominant culture; for example, the tribulations of *Negativland* and *Plunderphonic*, which have been detailed in *Retrofuturism* (no. 15, p. 1750) and other magazines.

The dominant culture works to give us the impression that it is the only culture, that

# C u l t u r e

by economics, and the profitability of a statement is more important than the statement itself.

Supposedly challenging songs like Ice T's "Cop Killer" are allowed into the culture because he provides a spectacular form of entertainment and a release for his audience. He is protected because of his profitability; when he is no longer profitable, Time-Warner (the world's largest entertainment corporation) will dump him. Time-Warner talks piously about First Amendment rights, and the right of

everything else is a kind of frightening avant garde, dangerous and threatening to our central values (well, what do they expect?

But it is not the case that the dominant culture is the only culture. In fact, what Havel describes as "hundreds of *samizdat* volumes, tens of typewritten magazines,

an artist to make a statement. That right they claim will end when his records no longer come into the black. Where are Grandmaster Flash and the Furious Five, where are Run DMC?

On the other hand, corporations will go to a great deal of effort to censor works

private or semi-official exhibitions, seminars, concerts and other events. . . ." (Havel, p. 125) exists in their own forms in the United States, in the thousands of zines on every subject, cassette culture music, the mail art exhibitions, the networker conferences and other events. These work to-

## WHAT HAPPENS TO THE READER?

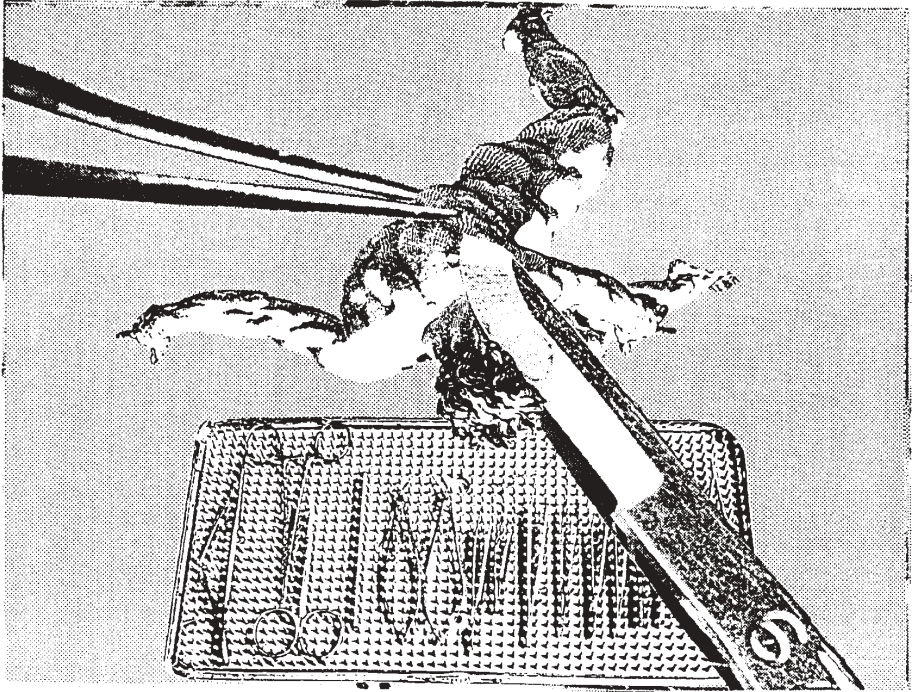


Fig. 3 Human Image on a Memory *Locus*.

gether to form a parallel culture that exists in the very cracks of the dominant culture, a parallel culture without agenda or program that is primarily a form of mechanical weathering, cracking the solid face of the edifice of the dominant culture.

This parallel culture does include deep critiques of society that challenge dominant culture to its very basis; but it also includes works and creations that are basically pretty — the pop tune cassette or small town poetry collection might be archetypal examples. But the parallel culture is not limited by one form or

another, one agenda or another. Again, to quote Havel:

If so much of the art shown in official exhibits is indeed below average, and better art can be found only on the periphery...this is...simply because the prospect of public recognition and lucrative commissions in our country, today more than at other times and in other places, is incompatible with that stubborn, uncompromising effort to reach out for some personal truth without which, it seems, there can be no real art. The more

an artist compromises to oblige power and gain advantages, the less good art can we expect from him; the more freely and independently, by contrast, he does his own thing — whether with the expression of a rebellious bohemian or without it — the better his chances of creating something good — though it remains only a chance: what is uncompromising need not automatically be good. (Havel, p. 131-132)

The parallel culture existed in Czechoslovakia because the government approved some art and not others. Not all the unofficial art was inherently political in nature. Today in the U.S., the parallel culture is not always politically or aesthetically opposed to the dominant culture. Some participants just want to find their niche, to say what they feel like saying.

Zines are published sporadically all over the country (and the world, of course). Their topics include art, music, queer culture, science fiction, comics, the beats, multiculturalism, anarchism, intentional communities, and on and on. The publishers range in age and abilities from teenagers scrawling out a few copies on a school copier to well-established practitioners who own their own presses. Most zines appear in small editions of a couple hundred, once or twice a year. The field exists in a state of flux: there is no history, no center, no continuity. This makes it both democratic and challenging to all. The democracy comes from the ease of entry (low threshold); the

challenge comes from the need to re-express and reaffirm one's thoughts and creativity (high ceiling). In contrast, the ceiling of the dominant culture is low and the threshold is high. One is not supposed to challenge oneself with new artistic and aesthetic questions (ceiling), one is merely to remain profitable (threshold).

The cassette culture is essentially the same for music, and mail art is the same for art and artists. All three major divisions of the parallel culture exist in cooperation and trade; that is, most everyone is willing to give away their product in return for other participants' product. In all fields, there are those who do as little as possible; in all fields, also, there are people for whom "the only thing that matters is the urgency of artistic truth" (Havel, p. 133).

Zinesters, cassette traders, and mail artists will never be rich from their work; most can only hope to have the production be self-supporting. Almost all reject grants or any form of establishment approval; American parallel culture is almost self-destructively opposed to co-optation and the kind of big times Americans equate with success.

Because we in the parallel culture have the freedom to risk, we have the freedom to say anything, on any topic. We might find only a small audience, but there are zinesters, mail artists, and cassette traders who have reached international prominence.

—Luke McGuff



**The  
Contro -  
versy  
over  
Negativ -  
land  
U2  
Con -  
tinues**

February 3, 1992

From: Greg Ginn

Re: Island Records, Ltd. et al. vs. SST  
Records et al

(Case #91-4735AAH (GHKx))

**A**lthough we would much rather get back to the work of promoting our music, the misinformation being spread in this case compels me to set the record straight.

Negativland has announced their departure from SST claiming that the label had insisted on recouping "...the entire amount of damages incurred in the *U2* lawsuit out of our future royalties." This assertion by Negativland is a smoke screen to hide the fact the the group has stuck SST Records with a loss in excess of \$90,000 that the group had in fact agreed to take responsibility for and accept. The fact is that SST will consider itself fortunate if we are able to recoup even 10% of this loss

from future Negativland royalties. At Negativland's current level of sales, SST would recoup the loss in the year 2257 A.D. I'm not holding my breath until that date. Negativland's offer to split the losses 50/50 with SST is actually a smoke screen because the way that the offer is worded would actually result in Negativland paying almost nothing.

Negativland has in the past always agreed in principle to accept responsibil-

Although SST certainly did not foresee the problems created by the Island/Warner-Chappell lawsuit, Negativland's past recordings have contained material that both the group and SST have been nervous about releasing. These concerns regarding numerous potential problems that the group's use of material may create have been discussed by group members and myself on several occasions. The agreement in our contract with

# SST Sees It

ity for the material supplied to SST. Now, after SST taking a \$90,000 fall as a result of material Negativland chose to release, the group's ethics have conveniently changed. To be blunt, the group has lied. Negativland member Mark Hosler can apparently no longer recall my numerous conversations with him in which he reiterated the group's commitment to pay for all costs which may result from their use of material in which a third party claims ownership. I suggest that myself and Mark Hosler commit to a lie detector test

the group is that they take full responsibility for any losses incurred by the label due to claims resulting from Negativland's use of material belonging to third parties.

This sort of contract provision is standard because obviously a label can't always know where a band gets its material. For example, somebody recently told me that a Negativland piece has a Simple Minds sample on it. I hate Simple Minds. I would never listen to the Simple Minds long enough to even know whether a sample comes from them. Phil Collins is



**RECORDS**

P.O. BOX 1, LAWDALE, CA 90260 USA  
PHONE (213) 430-7687  
FAX (213) 430-7286

to determine who is the lying party. I contend that Mark Hosler is a lying motherfucker. I also suggest that the publications who have printed under-researched misinformation in this case volunteer to pay the cost of this test.

allegedly sampled by Negativland. I don't know — I don't listen to Collins either. Apparently, I've unknowingly released all of this material.

Negativland is a hobby. Members of the group have well-paying day jobs

outside of the record industry. They are not poor, nor do they depend on their group for more than extra income. In their history, they have never toured and have only played occasional live shows.

The fact that Negativland is but an occasional hobby for its members has allowed them the freedom to take well-deserved shots at the music industry. This is great. However, the group's lack of experience in the music business and their ability to fall back of cushy day jobs is a liability to those of us in the "real world" who have worked with the group.

I took the Island/Warner-Chappell lawsuit and court injunction seriously. I realized that we were dealing with an angry and powerful company who had just spent more on recording the latest U2 record than we have recording our *entire catalog* of over 400 records in our 14-year history.... I had already, along with Chuck Dukowski, spent five days in L.A. County jail in 1983 for allegedly violating a court injunction for releasing the Black Flag *Everything went Black* LP. L.A. County jail wasn't a pleasant place (especially for a Black Flag member at that point in time), so suffice it to say I wasn't interested in violating an injunction and returning there.

Negativland, however, has treated the whole episode as a joke at SST's expense. The group had promised to hire a lawyer in the instance of any problem. With their upper middle-class corporate day-job incomes they could definitely afford this easier than myself. Instead, they badgered the lawyers that we had to hire with irrelevant, time-wasting and injunction-violating communications which only drove up our legal expenses without help-

ing to defend our cause. Apparently, Negativland are hobby lawyers as well. This resulted in our lawyers threatening a few times to drop our case because they didn't want to be associated with flaky, irresponsible clients who are arguing irrelevant, amateur legal points.

The end result is that with the games Negativland was playing, we felt forced to accept a very unfavorable settlement. Had Negativland stuck with us in fighting Island/Warner-Chappell we could have obtained a better settlement. If the group had stuck to its agreement with us, we would have been able to do benefits and other fund raisers to mitigate the losses. But Negativland are paranoid, isolated from the "real world," they are victims of the media cocoon that they frequently lampoon. I suggest that Negativland take a year or two off from their corporate day jobs and media obsessions to travel out from their cushioned, upper-middle class surroundings to see how the other side lives.

Anybody vaguely familiar with the economics of the record business and Negativland's place in it can rightly assume that SST has never made money releasing Negativland records. SST has at many times stuck its neck out for the group only now to be subject to Negativland's "take the money and run" attitude. I hope that interested members of the media will take the time to research their facts properly before reporting misinformation that can have a negative impact on the thirty people working at SST, but is just another cheap laugh for cushioned, paranoid upper-middle class malcontents.

—Greg Ginn

# Negativland Gets Their Say...

Excerpted from *Negativland's*  
"Christmas Newsletter 1992"

...Last September, feeling we had an interesting story to tell about how something as simple as an officeful of angry unmusical businesspeople armed with too much money and some out-of-date copyright notions had propelled us through a horrible nightmare of lawsuits, lawyers, liars, and loss, we released a 96-page magazine with CD entitled *The Letter U and the Numeral 2* that documented the entire Negativland/SST/U2/Island Records episode. The magazine simply presented the lawsuit, court orders, faxes, public statements and press releases from all the parties, letters, etc., in chronological order, with no commentary from us, so that the reader could examine the facts and make up his or her own mind as to what it all "meant."

Apparently Greg Ginn, owner of SST Records, thinks otherwise. On November 10, two months after the release of the magazine, he brought a five-count lawsuit against us which essentially seeks to punish us for going public with the dirty laundry. Yes, we have been sued. Yes, again. And now it appears that the real nightmare may only be just beginning.

If you're not actually a member of Negativland — or if you've never sued yourself — you might find some aspects of the lawsuit to be quite hilarious:

- We're being sued to stop us from selling a magazine about being sued.



- We're being sued by SST for *copyright infringement* (because we reprinted their press releases).
- We're being sued by SST's corporate rock lawyer for printing a picture of SST's "Corporate Rock Still Sucks" sticker.
- We're being sued for printing their corporate rock lawyer's letter saying that they want to sue us.

Funny stuff. But the grim fact is that Greg's actions are destroying any opportunity we might have had to get back on our feet financially (we're trying to self-release all our own stuff now) and could easily prevent us from releasing any other new work for the next two years! Negativland is what we do, and this magazine was our first new release back on our own Seeland Records label. We now know that we could have sold many, many more than the original limited edition of the magazine; it seems far more people are interested in our story than we initially expected. This new case could easily drag on for two years more, and

although we think we'll win in the end, we can't safely make and sell more copies of *The Letter U and the Numeral 2* until the court decides on SST's copyright claims.

Greg Ginn is already keeping all of our royalties from all seven releases we have on SST to pay himself back for the U2 costs, and he knows that even if we believed in suing people we can't *afford* to sue him to get him to agree to our 50/50 split offer. This case is going to cost Greg Ginn a *lot* more money than he has any reasonable hope of recovering from us in any reasonable time frame (you can bet his lawyer isn't working for free). So *why is he suing us?* Well, it seems that his main reason is...*revenge*. SST grosses millions of dollars a year — you can look it up in their credit report printed in our magazine (he's suing over that, too — *of course* — despite the fact that it's readily available public information that SST themselves provided), so he can certainly afford to waste dozens, perhaps hundreds, of thousands of dollars that it'll cost to take us to trial. We can't. He seems quite happy to behave towards us in the same way as Island Records did to him and us,

using his economic might to crush the small and the weak...

[There is] some other stuff in [the lawsuit] about "breach of contract"; that's all about how they still claim that we owe them every dime they had to spend over the Island suit (despite: gaping holes in their contract; our denials to their claims that we promised to pay; all the money they made by selling the record; our providing the *Guns* record to replace the U2 record; our flat-out inability to pay; all the money they made by selling the record; SST's own decision to put the record out knowing there might be problems; and our standing offer to split the losses 50/50), and about how they think we owe them master tapes for two new releases that we cancelled when they stuck us with the whole U2 damage (despite: our attempts to repay the advances; the fact that their lawyer said they might not ever be interested in releasing the records; and the fact that the tapes aren't even finished yet and the contracts aren't even signed).

SST is basically punishing us because we've resisted being abused....

—Negativland, December, 1992

## Contacts

Greg Ginn, 10500 Humbolt St, Los Alamitos CA 90720; tel. 310/430-7687; fax 310/430-7286

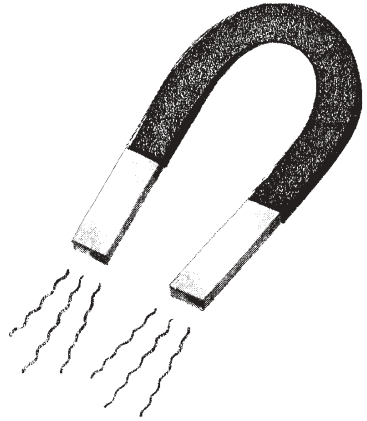
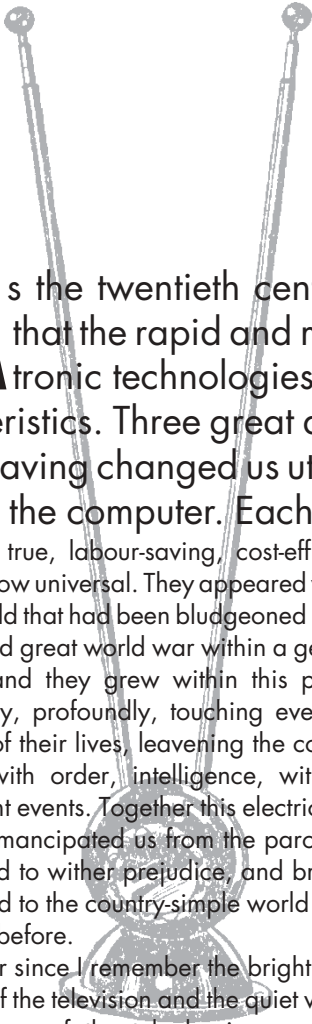
Negativland, 1920 Monument Blvd MF-1, Concord CA 94520; fax 510/420-0469

Casey Kasem c/o Westwood One Radio Network, 9540 Washington Blvd, Culver City CA 90232; tel. 310/840-4000; fax 310/840-4051

SST is also suing the Meat Puppets for circulating among other SST bands a draft of an open letter to the music industry asking SST to stop mistreating its talent. Contact: Jamie Kitman; tel. 914/359-4502; fax 914/359-4739



# The Electric Triad



As the twentieth century draws to a close, it appears that the rapid and metastatic development of the electronic technologies will be one of its prominent characteristics. Three great devices come immediately to mind as having changed us utterly: the television, the telephone, and the computer. Each was a technical marvel, a dream come true, labour-saving, cost-efficient, and now universal. They appeared within a world that had been bludgeoned by the second great world war within a generation and they grew within this people quickly, profoundly, touching every aspect of their lives, leavening the community with order, intelligence, wit, and current events. Together this electric triad has emancipated us from the parochial, helped to wither prejudice, and brought an end to the country-simple world of the days before.

Ever since I remember the bright shadows of the television and the quiet voiced blessings of the telephonic community

have been my companions. While my time and place within my community has been measured and recalled by the computing machines which husband the data which are now my heritage. Together these three have provided me a place, a comfort, and perhaps even a little solace.

Though wondrous and of impeccable value, each of these devices in and of itself was incomplete. The television released man from constraints which had hindered him since creation. It freed him from the heavy presence of his flesh and he was able to view into an ephemeral world of his own making where sight held a palpable kinship to life itself. With his

body inert and gaze held fast, we lived the experience of countless others. This meeting eye-to-eye gave this encounter a truth. We each saw for ourselves, and this transparent and ever-present dreamworld was believed. There we made together a fascinating and attractive reality, created by this communion of essences, a rapture where the other's lips speak and their eye meets our own.

Our society's great cultural institutions labor ceaselessly to create this reality of shadows. The corporate behemoths who control this enterprise employ hundreds of thousands of specialists who cull the world searching for the sparks of life that will provide sufficient harvest of image necessary to feed the other reality. No effort is spared. It is a mighty human endeavor. We have succeeded in making a spectral universe which spans a hundred of our worlds, wrapped in a time which covers all of our known creation.

Infinitely more complex and useful than the glass shop window, the television captures and puts under glass not merely objects for sale but the real lives of other people. On TV we see their intense sorrow, their sublime tragedy, their abstract humanity, and perhaps most importantly their constant frenzied activity. Never a moment is wasted in these lives, rarely an instant of silence. It is a full, over-flowing, unstoppable, unbeatable and never-ending universe. It's television.

Yet for all that we remain untouched by its magic, we remain alone because like the glass of the shop window we may see but we can't touch.

To reach out and touch someone you need a telephone. For the human touch, only the sotto-voiced spirits of the wires, the electro-mechanical telepathy of the telephone, can suffice.

The telephone commingles us with the other, to use it we must speak. With this act, we make the connection. We attach ourselves to the great network of the telephone whose wires cover the earth in a mantle of speech. All the world's words enter the machine, and each time we raise it from its cradle we give ourselves to it as yet another nexus of its fibrous body.

The for-



eight speech enters our ear and penetrates directly to the interior, the place of our own proper thoughts. Our eyes are blind.

Our own voice echoes about an empty room. Only when our own voice returns and forces an entry into the interior arena can the connection take place. In this close interior space, dialogue occurs. Two disembodied voices meet and speak in the private secret place of our heads. They meld and become inextricable from our own proper thoughts.

Proper, private, intimate, and of course obscene.

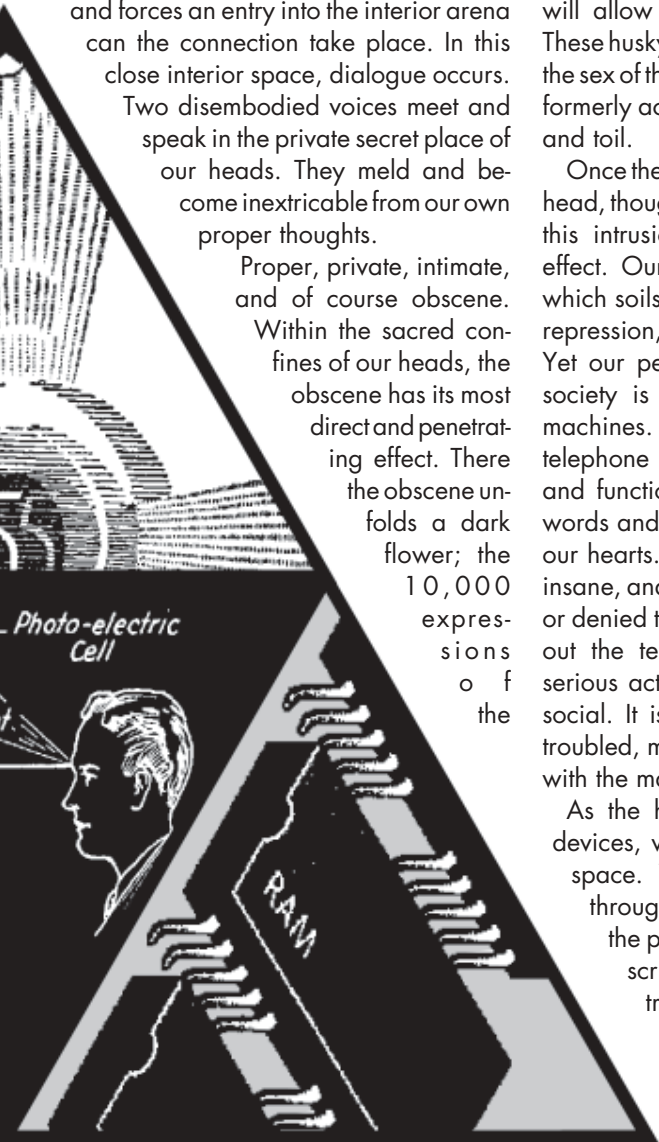
Within the sacred confines of our heads, the obscene has its most direct and penetrating effect. There the obscene unfolds a dark flower; the 10,000 expressions of the

who cater to our steamy vision of the forbidden, it is only the telephone which will allow the touch without the meat. These husky voices within our heads make the sex of the shadow world as real as that formerly achieved through sweat, smells, and toil.

Once these voices have entered into the head, though we may plea for them to end this intrusion into ourselves, it has no effect. Our pleas create a communion which soils. The only recourse is silence, repression, and a retreat from the realm. Yet our personhood, our vitality within society is tied to the access of these machines. Owning the television and the telephone are our birthright. Their use and function are as transparent as our words and gestures — as the beating of our hearts. Only children, criminals, the insane, and the abject poor are restricted or denied their use. To willingly live without the television and telephone is a serious act of self-abnegation. It is anti-social. It is the act of someone deeply troubled, mad. Our place in this world is with the machines.

As the human medium linking these devices, we inhabit a special essential space. We enter both their realms through the incomprehensible texts of the printed circuit, the hierophantic scripture of base metal and electromagnetism. Into each we enter alone, we are the flesh made machine. The body is wizened but the eyes, ears and mind live a higher order of experience. Our sight penetrates the world. Nothing is hidden. No tragedy is too fearful, no sorrow too hurtful, that we must not see it and know

perverse. Whether it is the lonely pervert beating off in a darkened room or the banks of trained professional operators



it. At any moment we may throw our voice across the world or the voice of the world might become us, and yet a gesture, to ever our gaze a moment of silence, and it is gone. Transparent yet present, the machines patiently await our essence.

This ephemeral universe we have made of shadows and whispers are our dreams, our desires. We have made real our ideal love for the world. Yet this other world remains apart. It never achieves the status of "life." This *joie de vivre* remains a world of entertainments and escape, an ephemeral and fleeting pleasure. We rush to leave the dull day-to-day life and ease into the comfort of the reality of our shadows, basking in the cozy intimacy of a communion with friends. Yet the return to the grey flesh is pre-ordained. The ache to return to that soft comfort remains.

Each day we must recreate the process that began long before our births. Pulling ourselves up from the muddled flux of our confused lives, we strive to make the world whole once more. In vain, for we always return. We have made progress along our journey. Working together with the telephone and television we have created a powerful social-evolutionary tool, yet to complete the transformation a third essential is needed.

This third element is the computer. Calculating yet dutiful, cunning yet childlike, its birth completes the process begun long ago. Primitive now, soon we shall use it to grasp the primal material of the ephemeral world and shape it as easily and as grandly as we have shaped the iron, steel, and concrete of this outer life. With it, we shall alter the forms of the virtual reality to suit our changed sensibilities. We will interact with the machines. They

will allow access and we will provide life. Together and only together will the world of tomorrow live to its fullest.

When this evolution is complete when we have at last wed the flesh to the machine, those with the courage to take the mantle of man's greatest challenge and duty shall become the alchemists of the human soul.

You and I shall live lives of such infinite variety, the knowledge of the earth, all knowledge, each and every recorded fact of that activity which is human shall be ours. This knowledge will be our clarion sign, our razor, our beacon. We shall move over the earth entire, a quick and powerful sentience. The meta-man.

The transition to this new age will without a doubt be a traumatic one. This vast and complete transformation of the human project will and must entail a purging as well as a renewal. Those who integrate, who provide the spar of flesh, who become the medium of the machine shall inherit the heavens. Others unable or unwilling will gaze wishfully and perhaps a little forlornly into a night sky bedazzled by the luminescent tracings of the streams of pure data.

—Fortner Anderson

• • •

*The author publishes a listing of cassettes, producers and radio programs that offer or showcase "...spoken word/audio writing/radio art/audio collage material..." called **Brazen Oralties**. It appears quarterly, and is available from: Dromostexte, CKUT-FM 90.3, 3480 McTavish B15, Montreal Qbc, H3A 1X9, Canada. Phone: (514) 398-8261; fax: (514) 398-8261.*

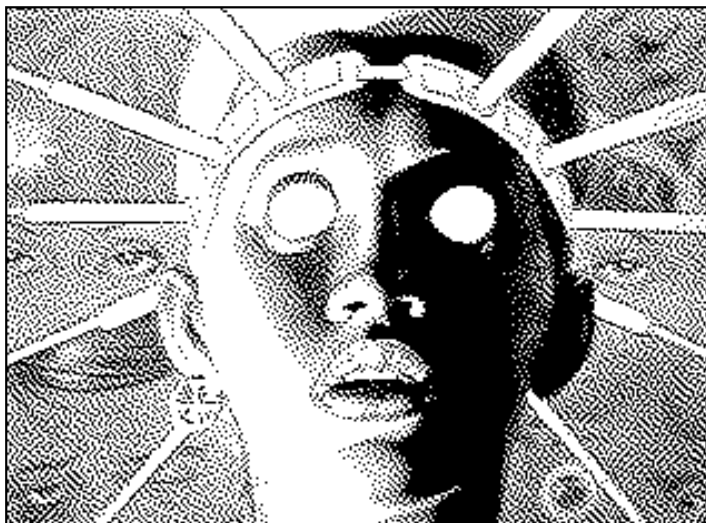


Image taken from Beyond Cyberpunk by Bramwyn/Frauenfelder

# General Reviews

## COMPILATION OF RADICAL FLYPOSTERS

*Flyposter Frenzy: Posters from the Anti-copyright Network* compiled by Matthew Fuller. Working Press, 85 St. Agnes Place, Kennington, London SE11 4BB UK. American distributor: Inland Book Co., P.O. Box 120261, East Haven CT 06512 —

Anticopyright is a decentralized service that distributes radical visual works in the form of xerox copies suitable for flyposting. This book brings together some ninety of the most-requested flyposters from their catalog. The best part of this collection — the rabble-rousing nature of the works themselves notwithstanding — is the long essay on this anti-establishment art form which opens up the volume. Fuller's understanding and descriptions of the reasons and ethics of

flyposting are well considered and nicely presented.

His first points in the essay center around the photocopier as a kind of poor man's mass medium; all you have to do is put together a graphic and a slogan and you can have it all over town within hours. Fuller is also aware that most photocopiers are installed in places of business, and for him this irony is no small part of the significance of the *medium* — if you can call it that — of flyposting. To use the tools of business and divert these resources toward pointedly anti-establishment content is a kind of poetic justice, and a kind of *detournement* of materiel rather than just form.

You might think that such a collection could easily be turned into some sort of academic thesis, and consequently dilute an important element of its message. That

does not happen here. The graphics are raw and urgent, and the introduction exhorts us to break the spine of the book and use the pages as photocopier originals to do our own flyposting.

## HYPERCARD ELECTRONIC C O M P E N D I U M

***Beyond Cyberpunk. HyperCard computer stack by Mark Frauenfelder and Gareth Branwyn. The Computer Lab, Route 4 Box 54C, Louisa VA 23093***—

*Beyond Cyberpunk* represents a new kind of electronic publication that can only be read (or, more generally: interacted with) on the computer screen. It is an attempt to go beyond what is possible on the printed page, with each action the reader(? onlooker?) takes having a different response from the software end of things. The actions of the "stack" (in HyperCard parlance, a "stack" is a computer file in HyperCard format which contains texts, graphics, sounds, and buttons which are associated with actions) are metaphors for the kinds of things we do with print magazines, i.e. "browse" and "page." However, on the computer screen these activities are constitute a kind of video game analogous to going to the library to look for information and being waylaid by what pops up along the way. Along with the actions the onlooker sets in motion go sound and visual effects (wipes, scrolls, dissolves, flashes and blinks). These ingredients work effectively to immerse you in what the two editors feel is a glimpse at the world beyond cyberpunk.

The main content of the stack (the main reason someone would be interested in it) is informational—you browse through lists of topics and go to the topic you want. There are four sections, entitled Media, Manifes-

toes, Street Tech, Cyberculture. Each section contains numerous essays, reviews, and other reading material associated with the topic selected. Contact names and addresses of individuals associated with the writings are also included, so you can go directly to the source if you want to. *Beyond Cyberpunk* does a very nice job indeed of compiling and presenting a whole shitload of information. It also avoids what I consider to be a pitfall of much computer-presented information: this is not a featureless, sterile database laid out over purely alphanumeric terrain. Instead, it is something like a cross between an infotainment program on television and reading a cool cyberzine. My hat is off to these fellows and the effort they went to to put all this information into one place in the first place; on top of that, they've combined the info with graphic and sonic examples of what's being presented.

To my way of thinking, the stack design is somewhat problematic. The user can only enter *Beyond Cyberpunk* through one stack; any other means of opening the information (there are lots of files that come with it) apparently don't allow the stack to work properly. In addition, it takes a computer-eternity just to get through the start up sequence for the stack. True, it is an entertaining bit of sound and flickering images, and fun to watch — the first couple of times, anyway. After that, it would be nice to be able to get to the information directly without having to see the whole start-up sequence every time.

## X E R O G R A P H I C C O L L A G E B O O K

***Your Name Here* by Ross Martin. Inquire: Ross Martin, P.O. Box 10355, Portland ME**

**04104** — Simply put, this is the best *visual* book that takes as its theme the act of *reading* I've come across in the mail art/xerox art/underground cultural world. Martin's lavish 11x17 saddle-stitched construction is a xerographic essay-in-collage-form which deconstructs, not only the act of reading, but the reader as well. [A work from *Your Name Here* appears on p. 1824 of this issue.] The page designs are fluid, graphic, and transformational; one concept moving gradually into the next, providing an almost narrative continuity. Trust me when I say that words do not do it justice.

## SEVEN-INCH VINYL RECORD SERIES

The Plagiarist presents "Louisiana Cookin'" c/w Fernando (Wafer 1) and "PANIC BOREDOM or Feeding Tube or Lazyboy or 144 ARGUMENTS FOR THE ELIMINATION OF TELEVISION" by Dad's New Slacks c/w "PORTABLE ANARCHY" by Busyditch (Wafer 2/Slug 2). Write: Wafer Face, P.O. Box 4272 Station A, Portland ME 04101 — These two seven-inch 33 $\frac{1}{3}$  r.p.m. records are the first and second release in what I understand to be a proposed series of song-length audio works that make open use of pilfered material. And so they are right up our alley, so to speak. The four sides represented here are, if not uniformly excellent, nonetheless fine examples of plagiarism as a "genre." We are all familiar with the principles, no doubt: you take music that you like (or particularly dislike), deconstruct it, put it back together, make it at the same time your own and nobody's in particular. It is the techniques that are used which may offer variance from what might otherwise be a decidedly staid program.

In these releases, sounds are often distorted to the extent that it's difficult to easily make out the source; at the same time fragments of sounds of obvious source waft in and out so that it's definitely there; just provided within a new context. "Fernando" from Wafer 1 pilfers Abba's song of the same name and puts it to an undulating, almost middle-eastern-sounding (but probably electronic) melody. The result has this happy melody (played slower than you're used to hearing it) undercut in such a way as to offer odd resonance to a backdrop that is closer to industrial music than it is to disco (If I may be so bold, I mean "real" industrial music, by which I mean the "classical" stuff of the early and mid-eighties).

Good as "Fernando" is, "Louisiana Cookin'," the flip, out-does it with gusto. "Cookin'" forefronts a pounding solid rhythm interspersed with an intermittent, boisterous guitar-like figure. Throughout and on top rides a time-dilated voice extolling the virtues of David Duke, comparing him to John Wayne, among other things. In its flippant jingoism married to that particular "tapey" sound, the quality of the listening experience here is at once scary and funny and you are advised not to miss out on it. This is one great b-side.

The second release piggy-backs works by Busyditch and Dad's New Slacks, and it is a fine follow-up which the space here does not allow me to get into much, except to say that these folks have a good series going — find out about it. —Lloyd Dunn

---

*Publications of all sorts that are sent in to be reviewed are welcome and strongly encouraged. If we review your work, you will get a free copy of whatever Drawing Legion Publication the review appears in.*

**SUBMIT YOUR WORK:** Drawing Legion Publications are devoted generally to new media, forward-looking ideas and aggressive voices, with an interest in how these can work together to foster meaningful interactions among people striving for a deeper understanding of what constitutes cultural activity in the machine age. It is our belief that the apparent monopoly of attention exercised by large corporations in our culture is a decidedly two-edged sword. Although this mechanism has tended to disempower “the masses,” its machines are at the same time sold to them directly or as inexpensive services, thus meting out some of that same power. We therefore have an opportunity to produce a wholly new, decentralized culture in our own homes, not subject to the pronouncements of a New York or a Hollywood. This power has barely begun to be tapped.

We try to seek out and display the works being made by such activity. The contents of the Drawing Legion Publications have included essays and reports from people who work at the edges of culture, as well as news, commentary and expository issues

about these media; in the form of graphics, essays, letters, reports, stories, and excerpts from like-minded works. We would not maintain that the we stand strictly in opposition to mainstream culture; but rather alongside it. That is to say, our main mission is to offer an alternative to big-money mass culture without at the same time wallowing in self-pity about the limited resources available to the non-mainstream. We are not “against” mass culture as such, but we are “against” what usually passes for “participation” within it; that is to say, consumption. We wish to spur on what appears to be a burgeoning trend against such passive “participation” through the active use of the resources that *are* available to us. We wish to provide a context for like-minded individuals, collectives, and organizations to share views and present work.

With that in mind, feel free to submit any and all written or graphic work that you think fits these criteria. No submissions will be returned unless they are accompanied by a self-addressed stamped envelope. All contributors receive a copy of any such publication in which their work appears.

