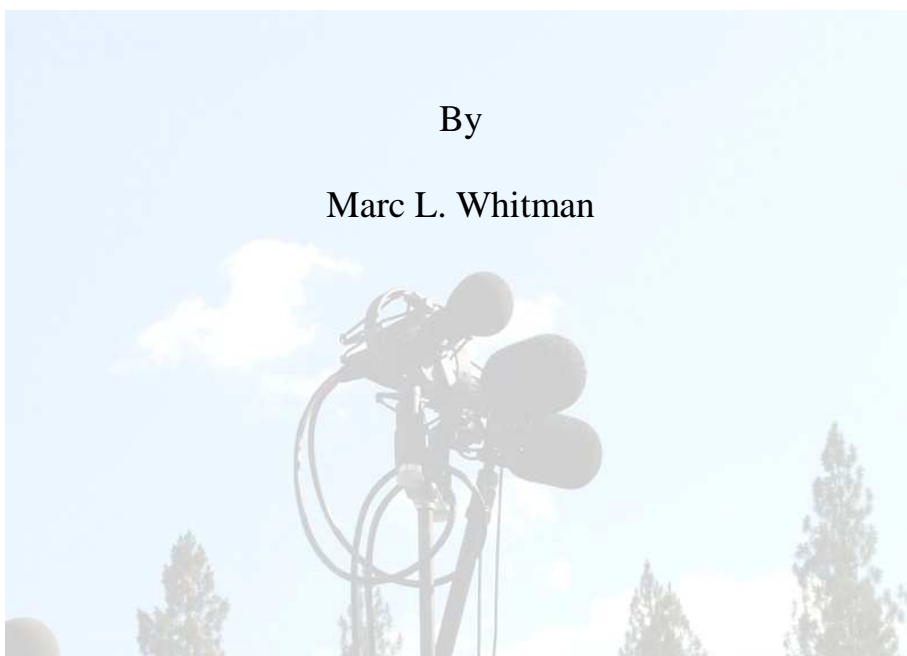


**“When we’re finished with it, they can have it”:**

## **Jamband Tape-Trading Culture**

By

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## I. Origins of a Tape-Trading Network: The Legacy of the Grateful Dead

The Grateful Dead informally allowed its audience members to record and trade “bootleg”<sup>1</sup> copies of its concerts from the band’s inception in the late 1960s. But in October of 1984, the band announced a specific policy decision that not only formally permitted its audience members to record its concerts, but actually created a specific “taping section” for them to do so behind a venue’s soundboard (Pattacini, 2000:7). Steven Marcus, then manager of Grateful Dead Ticket Sales (GDTS, later re-formed for other bands as GDTS TOO) explains:

The Taping Section was an idea that came of Dan Healy’s [soundman] constant complaints that the microphone stands were blocking his view of the stage. As manager and co-founder (with Danny Rifkin & Eddie Washington) of Grateful Dead Ticket Sales I suggested that there were usually about 100-200 seats directly behind the soundboard at every show that were never sold because they were “obstructed view.” I suggested that these tickets could be sold to tapers. Healy LOVED the idea and the “Taping Section” was formed. Grateful Dead was the first mainstream band to officially sanction taping of their shows.<sup>2</sup>

At first reading, this quote suggests that the band’s decision to create the “taping section” was both a pragmatic way to appease its soundboard engineer and a strategy to sell a few hundred extra tickets. But, more significantly, it also describes a moment in which the band established a specific niche for tapers.<sup>3</sup> The decision also acknowledged the importance of tape-trading as a community-building force for the group’s fan base and as a useful promotional tool.

Despite the band’s limited success with studio recordings, by the mid 1980s it had established itself as one of the top touring live bands in the United States. Its dedicated group of fans, by then labeled “Deadheads,” highly valued the band’s live concerts both for their revelry

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<sup>1</sup> The term ‘bootleg’ has its origins in the days of Prohibition, but has since been used to describe the unauthorized recording of concerts or other auditory events later to be sold or traded.

<sup>2</sup> ‘Taping Section’ Established, Available: <http://www.dead101.com/1398.htm>, 10 May 2005. Existence of GDTS and Steven Marcus confirmed via <http://www.gdtstoo.com> and Adams and Sardiello text.

<sup>3</sup> The term ‘tapers’ refers to fans who record a concert via cassette, DAT, minidisc, or other audio recording device, for non-commercial collection, exchange, or listening, with the stated or implied consent of the performers.

and improvisation (Pattacini, 2000:1). Because Grateful Dead concerts varied from night to night and included long, exploratory improvisations, fans gradually came to covet the concert recordings made by audience members. These fans had found various ways to sneak recording equipment into concert venues, facilitated by the band's casual stance towards audience taping. The tacit understanding between band members and fans was that these concert recordings would not be sold for profit, but could be traded amongst fans (Black and Fraser, 1999:32). Following the band's famous suggestion that "when we're finished with it [the concert], they can have it," this understanding is generally linked to a communal spirit of a late 1960s counterculture from which the band originated (Black and Fraser, 1999:33). While this famous quote certainly embodies the band's anti-establishment roots, was the decision to allow taping more than just a pragmatic extension of its countercultural ethos? Given the band's success and others who have followed in its footsteps, was this fortuitous decision both economically savvy and uniquely visionary?

Why visionary? Whether the band truly realized this or not (by most accounts it did not), this decision marked a key moment in the development of a legitimate tape-trading network, one acknowledged, permitted, and encouraged by band members. Moreover, the formation of this tape-trading network allowed a much more expansive network of fan tapers and traders to emerge, one that exists today around a loosely organized scene of groups called 'jambands.'

Although the term 'jamband'<sup>4</sup> did not come into popular usage until the late 1990s, the Grateful Dead might be understood as the prototypical jamband. While the current scene has

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<sup>4</sup> By most accounts, the term gradually emerged in the mid-1990s to describe popular alternative rock band Phish and other bands with a similar focus on improvisation and openness to tape-trading. It was then employed by Dean Budnick in 1998, with his founding of the scene's first website, [www.jambands.com](http://www.jambands.com), and gradually came into use by other fans, journalists, and promoters in 1998 and 1999. While many fans dispute the use of jamband—because of its limitations, categorization, and potential associations that it may invite (including those of the Grateful Dead and its fans)—others have embraced it. Additionally, although many fans may dislike the term and its connotations, most fans continue to utilize it daily, applying its meanings and the values it represents.

porous boundaries and includes any number of bands and musical groups, this loose classification includes musical groups who incorporated a large degree of improvisation, or “jamming,” into their music and are dedicated to blending established musical genres (Budnick, 2003:242). Like the Grateful Dead, the majority of these bands live on the fringes of popular rock music, perhaps because they play long, improvisational concert sets and permit audience members to record their concerts.<sup>5</sup>

Through the late 1980s and early 1990s a veritable jamband taping subculture began to take shape. It then widely expanded in the late 1990s, aided by the emergence of the Internet, where increasingly sophisticated “file-sharing” networks and fan message boards facilitated trading and community-building. Converging around the exchange of live concert recordings, these music fans and tapers highly value musical improvisation and spontaneity, promote and utilize a legal alternative to the standard recording industry commodities, and engage in an ongoing interaction and intimate relationship with the bands in the scene.<sup>6</sup>

Although the jamband realm and tape-trading are almost entirely absent from current academic discourse, I suggest that they provide additional depth and complexity to explorations of the interaction between music technology and cultural practices; the influence of technology on the way music fans listen to, distribute, and consume music; and even the way a music consumer’s potential “power over sound” (Jones 2000: 217) might have an effect on the way a band plays and distributes its music. In examining jamband taper subculture, its interests, and its interactions with band members, fans, and other tapers, I am attempting to understand the ways

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<sup>5</sup> These bands, just like the Grateful Dead, allow taping with the general caveat that tapers will not sell their recordings and will agree to “spread the music” to as many other fans as possible. Most bands include a specific “Taping Policy” that explicitly states the limitations for audience taping, usually posted on their website.

<sup>6</sup> One might think of the fans and tapers of jambands as a “taste culture” following Sara Thornton’s usage of the term to describe fans that “congregate on the basis of their shared taste in music, their consumption of common media...and their preference for people with similar tastes to themselves” (Thornton, 3).

in which these fans use and consume sound recordings, how they treasure improvisation and fetishize the live music experience, and what degree of agency and control they secure or maintain in this process.

In this study, I will argue that with the foundations of the Grateful Dead's decision to encourage fan taping and tape-trading, a sophisticated tape-trading network has gradually evolved over time. Enhanced by technology and everyday tape-trader ethics, this network is promoting the growth of jambands by evading the legal and financial limitations and structures of the mainstream recording industry. In order to understand this evolution and its emerging consequences, it is necessary to explore the following areas: the legacies of the Grateful Dead's openness to taping; scholarly attention to taping and bootlegging; the everyday motivations, ethics and interests of tapers and tape-traders; and the potential effects of tape-trading on band business models and growth, both inside and outside the jamband realm.

The consequence of the promulgation and evolution of sophisticated tape-trading networks is that a number of more mainstream pop and rock bands are finding tape-trading to be a potent promotional tool (such as recent Grammy winners Wilco, Los Lonely Boys, and Maroon 5). This use of tape-trading as promotion, though first utilized with success by the Grateful Dead, appears to be emerging as an essential "live band"<sup>7</sup> business model and a promising alternative to that of the mainstream recording industry. Given the current recording industry debates and struggles over illegal piracy via downloads of popular MP3 digital files, this alternative sidesteps these standard industry practices (as the overwhelming majority of concert recordings traded are legally authorized by the bands themselves). It also appears to offer ideological support to current efforts by legal scholars, music fans and artists, to re-imagine the current state of

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<sup>7</sup> I use "live band" as a loose colloquial term for a band that is typically characterized or at least well-known for its live concerts, regardless of the success of its record sales.

intellectual property law that is fixated on the strict control of any and all recordings of most popular music groups.

## **II. When Taping is Not Bootlegging: Legal Distinctions and Academic Discourse**

The current existence of tape-trading as a legal activity rests considerably upon a fortuitous legal distinction that allowed Grateful Dead fans to record the band's concerts, and therefore, is one of the most significant historical foundations for tape-trading that emerged from the band's legacy. Throughout the band's uneasy history with its record labels, the legal system, and even its fans, the Grateful Dead created a legitimate legal loophole for tape-trading. The band negotiated the limitations of its recording contracts and pushed the boundaries of performance venue restrictions, all while awkwardly managing a balance between the Grateful Dead as corporate entity and the Grateful Dead as anti-establishment, countercultural musical group.

Vaughan Black and David Fraser write:

These conflicts between the Grateful Dead as cultural phenomenon and continuing social experiment in the values of the sixties and the Grateful Dead as capitalist, commercial venture...is most clearly embodied in the murky ethical and legal world surrounding the taping of Dead shows.<sup>8</sup> (1999: 31)

For most of the Grateful Dead's career, the band was signed with a major record label for its studio albums and live releases.<sup>9</sup> Typically, recording contracts restrict the rights of any and all recordings by a band to that record label, which holds exclusive rights to the

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<sup>8</sup> While the Grateful Dead was open to the non-profit trading of its concert recordings, the band also staunchly targeted piracy and bootlegging, particularly for its merchandise. As Black and Fraser (1999) make clear, "when they [the band] go to court, they play hardball" (31). But compared to other rock and pop artists dealing with similar problems, the Grateful Dead appeared more open to the experiment of allowing non-profit tape-trading and even to working out deals depending on the particular case (for example, see the band's handling of John Oswald's use of Dark Star in which the two parties worked out a deal to produce and release a two CD set). Here we have "the Grateful Dead as a capitalist enterprise, albeit one with a heart and a social conscience" (32).

<sup>9</sup> Studio Album Discography, Available: <http://www.dead101.com/dscstud.htm>, 17 May 2005. The Grateful Dead released studio albums on Warner Brothers from 1967 through 1972; on its own label, Grateful Dead Records, from 1973 through 1976; and on Arista Records from 1977 through 1989.

recorded intellectual property for reproduction, sale, and distribution (Krasilovksy and Shemel, 2000: 66-67). Consequently, when fans make unauthorized recordings of a band's concerts and illegally sell them, they challenge a label's control over the rights to that recorded sound. As this restriction is primarily an economic rationale to avoid any unauthorized distribution that could potentially hurt record sales, it does not explicitly prohibit the "sharing" of the band's concert performances when they are not sold for commercial value. Thus, the "ethical, political, and possibly legal distinction, pioneered by the Grateful Dead and the Deadheads...is one apparently rooted in a distinction between 'for profit' bootlegging or piracy, and not-for-profit tape 'trading'" (Black and Fraser, 1999:32). In sum, this loophole allows that as long as fans or tapers do not profit from any recordings they make or trade, the band does not run the risk of breaching its recording contract.<sup>10</sup> As a result, the "legally regulated world of intellectual property rights and copyright enforcement actions is here replaced by a self-regulating enterprise in which commercial interests do not influence the values of the group or subculture" (Black and Fraser, 1999:33).

Specifically as a result of these traditional restrictions under an artist's recording contract, performance venues have also typically prohibited any recordings by the audience members (typically including both audio and video). Although these restrictions are directly linked to contractual limitations and record labels' concerns over album sales, by default, they affect the majority of musical groups through the standard performance venue practices of prohibiting audience recordings (whether or not those groups have signed recording contract). Because of this, a musical group must arrange with each venue to permit audience recordings. While these arrangements have grown more customary today, in the early days of

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<sup>10</sup> This simplified distinction does not take into account possible complications posed by the unauthorized downloads of copyright-protected material through illegal Internet file-sharing or potential contractual provisions to deal with this issue.

fan taping these were new legal issues that the Grateful Dead had to negotiate as taping began to proliferate.

While the consequences of the Grateful Dead's decisions and negotiations are emerging more clearly today, band members' comments indicate that they were not part of a clearly-calculated plan of economic inventiveness. In a recent interview, bassist Phil Lesh addressed the band's decision to allow taping, explaining "we sort of backed into it....we didn't make the decision as a marketing ploy at all, it was just that it was too much of a hassle to try and be the cops and police it."<sup>11</sup> Lesh went on to explain the band's naïve approach to the business: "To tell you the truth, we didn't really care about any those details...partly out of laziness, partly because deep-down we all feared that delving too deeply into the business end might compromise the music somehow."<sup>12</sup> Although Lesh now admits "on balance, allowing taping was maybe the smartest business move we ever made," by most accounts the band's success—due largely to its permissiveness to audience taping—appears to have been essentially unintentional (Lesh 2005:266).

Despite this inventive legal loophole and the resultant success of bands like the Grateful Dead, academic discourse has generally ignored legal tape-trading in favor of studies of the more "subversive" activity of bootlegging. For the purposes of this study, tape-trading is defined as both authorized and legally trade-able by the artist's consent. In contrast, bootlegging is neither authorized nor are fans legally permitted to trade or sell bootleg concert recordings. Scholars have typically tended to focus on the subversive or deviant activities of tapers and collectors, particularly in the way that they may subvert the recording industry's control of production.

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<sup>11</sup> Interview with Phil Lesh, 2005, Air America Radio, Available: [http://www.airamericaradio.com/weblogs/alfrankenshow/index.php?/franken/the\\_daily\\_al\\_franken\\_show\\_audio\\_highlight44/](http://www.airamericaradio.com/weblogs/alfrankenshow/index.php?/franken/the_daily_al_franken_show_audio_highlight44/), May 20 2005.

<sup>12</sup> Interview with Phil Lesh.



Mark Neumann and Timothy Simpson thoroughly investigated bootlegging (and tape-trading) in their 1997 article. While their study offers useful insights into some of the motivations of bootleggers (and tapers), they portray an extraordinary activity that “may be at odds with the plans of the corporate music industry” and “may be labeled ‘deviant’” (1997:339). Also, they situate bootlegging (and tape-trading) in opposition to the recording industry and include this as one of its appealing characteristics:

Most bootleggers [and tape-traders] are not in search of social legitimacy. The deviant quality of their practices as bootleggers is an essential component of what they produce. That is, their recordings hold value precisely because they are unauthorized, unique, and do not carry a stamp of approval by the music industry. (1997:339)

Remarkably, Neumann and Simpson fail to differentiate between bootlegging and tape-trading, an omission that complicates the notion that taper activities are subversive or deviant. This oversight is even more striking because their article relies heavily on personal testimony from Grateful Dead fans.

In his 2003 article, Lee Marshall acknowledges the difference between bootlegging and tape-trading. However, he then openly conflates the two activities for the purposes of his study:

Throughout this article if I am referring to both traders and bootleg collectors, I will refer to them as ‘collectors of unauthorised [sic] music.’ Such a conflation would upset many traders who regard what bootleggers do as vastly different from their own activities, but the focus of this paper is on the similar beliefs of both groups. (Marshall, 2003: 59)

Additionally, despite Marshall’s honest admission, his article maintains a strong bias towards a validation of bootlegging and the unauthorized recordings of mainstream artists such as Bob Dylan and the Rolling Stones (fittingly, two *more popular* 1960s and 70s counterparts of the Grateful Dead). While Marshall is clearly more interested in the relationship between the

recording industry and bootleggers, he chooses to ignore the additional complexities posed by legal tape-trading, perhaps because it might further complicate his argument.<sup>13</sup>

This reading is not to suggest that these studies are entirely ineffective, but that their tendencies to focus on the more subversive elements of these practices suggest a more exceptional and oppositional approach. Because of these issues, these studies fail to investigate the *other* side of tape-trading: a place where bands not only authorize their fans to record their concerts, but openly encourage it. Neumann and Simpson fail to acknowledge that the Grateful Dead created a specific audience section for its tapers, and as a result, its fans recorded nearly every one of the band's concerts. With this in mind, one has to wonder about the effects of fan and taper activities over time. What happens when taper activities are not only permitted, but encouraged, repeated, and come to be expected by fans and bands alike? If the presence of a taper is assumed at every show, how do band and audience expectations change? What happens when we invert the norms of the recording industry—in which bands release albums and then go on tour to support them—and place the tour at the center? These previous studies fail to truly explore what is of chief interest in this study: the “everydayness” of taping and trading as norm, how it influences band performances, affects audience expectations, and potentially shapes models of distribution and industry practices. In the next several sections, I will investigate the everyday activities of tape-trading, and I begin with the one of the most important community spaces: the Internet.

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<sup>13</sup> In this article (2003) and his 2004 essay on bootlegging, Marshall also chooses to avoid one of the foremost arguments used against bootlegging—the issue of the artists' control over their music. To his credit, he points to this omission in a footnote (2004:178).

### **III. Tape-Trading and the Internet: New Technologies and Online Ethnography**

Emerging from a personal history within the scene, my research has largely been informed by several months of Internet ethnography in the online realms of the jamband scene and tape-trading world. In researching taping and tape-trading, one cannot underestimate the importance, presence, and advancement of technology in the evolution and continuation of tape-trading practices. Both recording technologies and the Internet play a dominant role in the everyday activities and discourse. Thus, I first offer a brief historical overview of the key technological advancements and their effects on tape-trading.

Several technological developments have dramatically changed the nature and scale of tape-trading networks over time, as well as many other aspects of the way people interact with both technology and music in the broader cultural realm. The emergence of portable recording technologies played a key role in the late 1960s and 1970s for Grateful Dead tapers. The gradual shift to digital recording technologies in the early 1980s vastly improved sound quality and portability, while having far-reaching affects throughout society in general.<sup>14</sup> In the late 1990s, three other crucial developments occurred: 1) the spread of compact disc recording technologies to mainstream consumers; 2) the emergence of the MP3 and other digital audio formats; and 3) the promulgation of high-speed Internet access. CD recording technology played a similar role as previous cassette tape technology by allowing fans to make their own recordings. But, with CD-R technologies, users could make exact audio copies (EACs), doing away with the problem of generational deterioration of cassette tapes.<sup>15</sup> The emergence of the MP3 file format is most

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<sup>14</sup> Regarding the importance of digital technology, Timothy Taylor has suggested: “The advent of digital technology in the early 1980s marks the beginning of what may be the most fundamental change in the history of Western music since the invention of music notation in the ninth century” (2001:3).

<sup>15</sup> Cassette tapes allowed consumers to make their own recordings, but each time a tape was recorded to another, there was a loss in sound quality. Sound quality, as I will explain, is highly valued among tapers

important, because its smaller file size allows for faster transfer over Internet ‘file-sharing’ networks.<sup>16</sup> Finally, the spread of high-speed Internet service in the early 2000s, has further expanded consumers’ abilities to efficiently transfer digital music files such as MP3 or the “lossless” SHN and FLAC file formats most often used in tape-trading circles.<sup>17</sup>

Internet technologies have been instrumental in the expansion of tape-trading networks and community interaction even from the first days of their inception. The first online mailing list ever dedicated to a single group was for the Grateful Dead (originating at the Stanford Artificial Intelligence Lab)(Alderman, 2001:17). The precursors to the Internet, ARPANET and Usenet, were used by Grateful Dead fans for mailing lists, discussion and articles, and Deadheads continued to develop an online presence during the formative years of the Internet (Dwork and Getz, 2000:54). Since these early days of the Internet’s formation, jamband-oriented websites have multiplied and grown into an integral component of the scene. They exist both as an important extension of the community activities that take place out in the “real” world, but also as an online space where fans reveal the values, meanings, interests, and debates alive within their community.

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and fans, primarily due to the poorer quality of live concert recordings versus studio recordings. When tapers initially used cassette tapes to record concerts, they would often label each cassette with its “generation” away from the original recording, such as “2<sup>nd</sup> gen. audio” or “3<sup>rd</sup> gen. aud.”

<sup>16</sup> Since the rise of Napster in 1999, the term ‘file-sharing’ has gradually come to be associated with the illegal downloading of copyright-protected material via file-sharing software like Kazaa and Grokster (and previously Napster). But originally, ‘file-sharing’ was not intended for the illegal downloading of audio or video files. It was a set of UNIX file permissions and protocols for military and academic researchers to simply share files across electronic networks. Thus, while it is convenient to conflate legal tape-trading networks and technologies with Kazaa and Grokster, tape-trading is more suitably connected to the original designs of ‘file-sharing.’ This is an especially important distinction given the long history of tape-trading networks and that they preceded Internet file-sharing.

<sup>17</sup> MP3, SHN, and FLAC are three popular digital audio file formats that compress WAV and AIFF digital audio formats to smaller files sizes for more efficient online trading. Respectively, they stand for MPEG layer 3, Shorten, and Free Lossless Audio Codec. FLAC and SHN are known as “lossless” because they do not sacrifice sound quality as opposed to the “lossy” MP3 format that excludes “unnecessary” bits of a file in the compression process.

Scholars have debated the use of the word “community” in regards to online collectives, mainly because of the absence of physical people and the open interpretations of Internet identities.<sup>18</sup> In an in-depth study of the Phish.net fan community, Nessim Watson suggested that, despite this problem, fans maintain strong connections between their online personae and their offline human personifications (1997). In his own Internet ethnography René Lysloff summarizes Watson’s take on the use of the community metaphor for online interactions, explaining “communities on the Internet are not ‘virtual,’ they are real—as real as the offline communities we belong to as embodied humans” (2003: 57).<sup>19</sup> With this in mind, I therefore observe an online collective of communities and organizations that are vibrant, active, and significant in the daily lives of the music fans whose online personae are connected to real “offline” people (fans, tapers, band members) and real “offline” interactions (at concerts, festivals, fan meetings).

#### **IV. Tape-Trading Online: Jamband Ethnography**

Many of the significant issues of tape-trading are debated and discussed on a daily basis in the online spaces where fans and tapers interact and make meaning of concerts and live concert recordings. In exploring the way that fans and tapers interact, several themes and issues emerge: fan and taper preferences for improvisation and spontaneity, tape-trading ethics, contentious issues amongst fans (and between non-taping fans and tapers), dedication to sound quality, direct fan-band interaction, and a general commitment to community. Also, whether explicit or

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<sup>18</sup> Baym, 1995; Jones, 1995; Watson, 1997; Howard and Jones, 2004.

<sup>19</sup> This line of thinking might also be supported by the notion of “imagined communities” explained by Benedict Anderson: “Communities are to be distinguished, not by their falsity/genuineness, but by the style in which they are imagined.” Anderson’s argument also deals with the known/perceived presence of other individuals and suggests that a community “is *imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion (1983, 1991:6).

implicit, jamband fans and tapers constantly exhibit close connections to the original tape-trading networks and fan communities surrounding the Grateful Dead, suggesting that the band's legacy is still present.

On message boards, fan sites, and online publications, improvisation or "jamming" stands out as the most significant defining characteristic of jambands. While the name quite obviously suggests this simple delineation (bands that jam), the value placed on jamming is important in the ways it is exhibited in daily discourse and has been engrained over time. The value placed upon improvisation suggests a continuing investment in spontaneity of the live performance and its perceived authenticity. It also helps justify fans' motivations for collecting, archiving, and cataloguing large numbers of concert recordings.

Much of my online research comes from an almost daily presence on the PhantasyTour.com website (or PT as it is popularly known). PhantasyTour, as the name suggests, is a playful spin on the popular fantasy sports games devoted to professional sports.<sup>20</sup> It was originally dedicated to the popular jamband Phish (hence the "ph" spelling), but instead of players or teams, fans chose songs and setlists in hopes of guessing what songs might be played in a given concert or tour.<sup>21</sup> But fantasy setlists weren't entirely new from the days of Phish and online chats. Grateful Dead fans had long conjured "dream sets" and gathered for "dream set

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<sup>20</sup> In the fantasy sports games, fans build and track their teams, both real and created, gaining points and competing against other similar sports fans throughout the season.

<sup>21</sup> In general, jamband fans highly value the details and potential merits of concert setlists, which are the textual representation of the songs played at a given concert. But setlists can also represent the "jams" that often take place before, after, during, or between the certain composed or structured songs (with or without vocals). Jams are typically represented by the ">" symbol (or an arrow) and are often the unknown but much sought-after aspects of the concert experience. The ">" symbol suggests the potential for open-ended improvisation or a "segue" between two songs and can be contrasted to the use of a comma between two song names, which represents a break or pause between them. In addition, setlists can include song footnotes explaining the unique aspects of a song's performance, such as the "sitting in" of a fellow musician, a change in instrumentation, or when a song includes a "tease" of the theme of another song. While these setlist details might suggest an obsessive fan or taper, the daily discussions, debates, and setlist games further emphasize fan investment in the concert experience, the high value placed upon improvisation, and the fans' interest in following the evolution of a group's tour, even vicariously through the list of songs played. See appendices I and II for setlist examples.

parties” to discuss the band’s best improvisations and gather recordings (Dwork and Getz, 2000:47). Over time, certain songs that were often played one after the other came to be known as ‘song pairs,’ such as “Scarlet>Fire” (“Scarlet Begonias” with a transitional jam into “Fire on the Mountain”) or “China>Rider” (“Chinacat Sunflower” jammed into “I Know You Rider”). Other songs became known as “jam vehicles” that might be played in the middle or end of a set. Maintaining detailed setlists with notations/footnotes became a unique part of the fan experience as bands like the Grateful Dead continued to play hundreds of concerts per year and alter their setlists from night to night. This activity attracted additional fan investment in the music and further emphasized the uniqueness of each concert experience. In fact, author Steve Silberman has likened the Grateful Dead Experience” to baseball: “you went to the show, got a beer, went to your seat, and documented the statistics (in this case setlists) as the ‘game’ was played” (Dwork and Getz, 1998, xiii).

While the fantasy setlist games constitute an important component of PhantasyTour.com and jamband communication, these games are no longer the primary reason that PT members visit the site. While the site was created by Phish fan Paul Glace in 1999, it has since been expanded to include eight other band sub-sites, each with additional sections for setlists, tour dates, fan message boards, news, links to download sites, and concert photos.<sup>22</sup> On message boards like PT (and other band-specific boards), fans enthusiastically discuss the merits of band improvisations in what I call “jam debates.” The style and detail of discussions is what stands out in debates of jam segments, segues, and song teases. In one discussion of Phish jams in general, one Phish fan mentioned a “type II” jam. I later discovered some fans had created a level system regarding the qualities of the band’s improvisations, categorizing by type not only the overall

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<sup>22</sup> In fact, although Phish recently disbanded, the PT-Phish message board is one of the most active on the entire site.

quality of a given jam, but also how far the jam progressed away from the song's original structure. Other recent thread titles include: "best intense peaking jam," "Best jam of 2005 so far," "The 36 Longest Jams in Phish History!" and "Nassau Tweezer vs. SPAC Piper."<sup>23</sup> In a recent topic on PT-Bisco (a nickname for the Disco Biscuits) entitled "Thumpingest Jams," a user inquired about potential bass-heavy improvisation, saying: "Know what I mean? low down and dirty [jams] with brownie [bassist, Marc Brownstein] just bouncing the room with that big jewish grin...please lay them on me."

As the name PhantasyTour also suggests, jamband fans continue to reference the notion of "going on tour" which dates back to the days when devoted fans followed the Grateful Dead on the road, sometimes for an entire tour, and frequently for a multi-show "run" at a venue or series of venues. Fans that traveled with the band were sometimes called "Tourheads" (a derivative of Deadhead), described in one instance as: "A ragtag lot who follow the band coast to coast, seeing up to 70 shows per year" (Guthmann, 2000:222). After the Grateful Dead disbanded following Garcia's death in 1995, "touring" later came to be associated with Phish (no doubt, due in part to the fact that some Deadheads found Phish to be a suitable replacement). Phish disbanded in the fall of 2004, but in some cases, fans have continued to travel long distances and follow bands like the String Cheese Incident, Widespread Panic, and the Disco Biscuits.<sup>24</sup> While the number of fans actually going on "tour" has decreased, the idea of "touring" still exists and is in constant usage in jamband circles, especially online, where it is frequently referenced in fan discussions of traveling logistics for attending multi-show runs or mini-tours of more than a week. Prior to

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<sup>23</sup> Please note that all citations for online discussion board threads are quoted directly and have not been edited for spelling errors or punctuation. In this thread, users placed two renowned Phish jams in competition with each other, known here not only by song titles "Tweezer" vs. "Piper" but by venue names "Nassau Coliseum" and "Saratoga Performing Arts Center."

<sup>24</sup> Two recent message board threads addressed this issue of whether or not fans would continue to tour in some fashion. They were entitled: "Are Doing Summer Tours Over For Us??" and "ARE OUR TOURING DAYS OVER?!?"



the Disco Biscuits' performance at a festival in the Netherlands, fans discussed their detailed plans to fly to Europe in multiple postings to PT-Bisco. In another example, in a thread on BPradio.net (a web-radio station and message board for Brothers Past) entitled "Big Ups to West Runners!!" one fan complimented his fellow fans for making the trip to follow the band on its West Coast tour and for sending back setlist updates and reviews. Discussions like these not only represent fan dedication to the concert experience, but also the value fans place on "tour updates" from concerts that they are not able to attend. Another Brothers Past fan recently detailed his entire tour experience in a thread entitled "The Lowdown on what went down (long)." It was an 844-word post that included his top three suggestions for "Best show," "Best jam," "Best Crowd," and "Best Bustout" (referring to a rare song being played). On its recent tour, Brothers Past added a tour web log entitled "Letters from Barakus," with photographs and anecdotes from the band's tour mascot, a 'bobblehead' of Mr. T (B.A. Barakus was Mr. T's character on the 1980s television show *The A-Team*). The web log included a week-by-week tour narration for fans who could not attend the concerts.

Whether playing setlist games, discussing best improvisations in "jam debates," or planning to go "on tour," jamband fans utilize online communities and networks to further engage in a group's evolution, connect with a community of like-minded fans, and feed what many fans call an "addiction" to live music.

## **V. Capturing and Fetishizing the "Live" Sound: Why Fans Tape and Trade?**

In his study on bootlegging, Lee Marshall suggests that a "reason that fans collect unauthorised [sic] recordings is because doing so enables them to actively and continually engage with the artist's career" (2003:61). Daniel Cavicchi, in his study of Bruce Springsteen

fans, labels fan interest in bootleg recordings “looking for the whole Springsteen,” arguing that Springsteen fans not only highly value his concerts, but that their demands are not fully met by the limited official releases from Columbia, Springsteen’s record label (1998:72).

These notions of enhanced engagement are most certainly intensified when fans come to value a band’s live performances more than its studio output, even though that output is generally viewed by scholars and the recording industry as an artist’s primary creative product.

Cavicchi explains:

Fans even see the structure of the music business as inimical to promoting Springsteen’s strength live. That musicians must create a work, a product, and then go ‘on tour’ to ‘support’ it is belied by the fact that most fans see Springsteen’s creative process the other way around: for them, the tour is primary and the work—which the tour is supposedly supporting—is secondary. (1998:74)

Marshall further suggests:

These fans see creativity as part of an ongoing process that occurs through regular live performance and believe that the legitimate industry cannot successfully document the continually changing nuances of live performance. This is because the industry is seen as being concerned with the studio-produced album as the finished product which, by definition, is frozen in time and thus not processual.<sup>25</sup> (2003: 61)

While there are most certainly aspects of a band’s process that are not included in the concert performance, the onstage creative process is accentuated in the jamband scene because the performances incorporate large amounts of improvisation and are documented on a daily basis. For the bands and fans located within this study, live performance is generally considered *the most* important aspect of a band’s success, often surmounting studio efforts.

For “Mister Charlie,” a subject in the study by Neumann and Simpson, a concert recording is “the real situation” that constitutes “the whole concert experience...” that allows one to

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<sup>25</sup> Perhaps what Marshall characterizes as a ‘processual’ approach is best expressed as a dialogic process following George Lipsitz, who writes: “Popular music is nothing if not dialogic, the product of an ongoing historical conversation in which no one has the last word” (Lipsitz 1990:99). But, it is important to note that Marshall’s insistence of an ongoing process should not exclude a band’s studio output, as it can also be considered a part of any dialogic process.

“appreciate something real” (1997:334). A search for the “real” and “authentic” experience is in fact a key component of the act of collecting. According to James Clifford, “collecting has long been a strategy for the deployment of a possessive self, culture, and authenticity” (1988:218). “Mister Charlie” is simply one of many fans that consider concert recordings more “authentic” and “real” than the traditional studio recordings. In attempting to characterize a jamband perception of the “authentic,” one might consider Philip Auslander’s explanation that “to be considered an authentic rocker, a musician must have a history as a live performer, as someone who has paid those dues and whose current visibility is the result of earlier popularity with a local following” (1999:76).<sup>26</sup> Clearly, the concert performance maintains a strong attraction for many music fans for experiencing music in its “truest” form. As Lee Marshall explains,

In live performance there is no safety net; the artist cannot start again or make an overdub. Live performance is therefore regarded as honest (in front of a thousand watching eyes the musician cannot pretend to be something he is not) and exciting (the energy of the live experience is seen to result in the inexplicable flashes of genius that form the bedrock of popular conceptions of creativity). (2003:60)<sup>27</sup>

The notion of “authenticity” has often been a central concept in popular music studies and rock journalism, and bootlegs and ‘live’ concert recordings have long held a certain cachet for many fans and collectors because the concert experience seems “authentic.”<sup>28</sup> But in an increasingly mediatized culture, “authenticity” has drawn criticism because of signs that “the authentic has been continually reinvented or ‘fabricated’” (Negus, 1999:129).<sup>29</sup> Additionally, one might

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<sup>26</sup> This perspective is essentially the definition of “Rockism.”

<sup>27</sup> Although Marshall is clearly making a general claim, many artists can (and have) stopped a song during a performance (I witnessed Ben Harper stop and re-start a song at the 9:30 Club in Washington, D.C. on March 8, 1998; Phish re-started its performance of “the Curtain” on August 15, 2004, in Coventry, VT.)

<sup>28</sup> According to their definition of an “Authenticity paradigm,” Brothwick and Moy suggest that authenticity “applies to schools of criticism and individual critics who set up a binary divide between forms of music seen as honest, creative or real, and those seen as commercially compromised, standardised [sic] or more about profit.” But, Brothwick and Moy admit that it has been “discredited by many recent analyses” (2004:222).

<sup>29</sup> Keith Negus also cites Richard A. Peterson’s (1997) book on authenticity in country music: “Drawing on ideas about the invention of tradition and construction of signs and images within the media, Peterson has

question the perceived authenticity of a concert recording because it is not only a mediated source, but it can only include the auditory moments of a given concert experience. To state it simply, “a tape is not a show” (Black and Fraser, 1999:34). But whether or not jamband fans consider concerts or concert recordings truly “authentic” is not as significant as the value they place upon the “live” concert experience and their collections.<sup>30</sup>

In jamband circles, concert recordings clearly play an important role in fans’ lives, particularly as they allow fans to follow the evolution of band’s entire tour, if only vicariously. Tapers attempt to capture the ephemeral moments of a given concert experience and represent them so that they or others fans can listen to a concert again. Without a recording, one might only have memories or perhaps a souvenir in the form of a t-shirt or ticket stub to conjure those memories of what may have been a particularly satisfying concert experience.

On collecting, Susan Stewart has suggested that “we do not need or desire souvenirs of events that are repeatable. Rather we need and desire souvenirs of events that are reportable, events whose materiality has escaped us, events that thereby exist only through invention of narrative” (1984:135). While jamband fans may attend multiple concert experiences, they collect them with the perception that no two concerts are the same. Perhaps following Stewart’s suggestion, they seek to create their own narratives through collecting and re-creating a variety of concert experiences and moments of musical meaning. In their study, Neumann and Simpson present several Grateful Dead fan voices that support this claim. “Mister Charlie,” whom the authors name as a “Grateful Dead fan and bootleg collector,” suggested the following about his

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highlighted the artifice of country genre codes that are often taken to be spontaneous natural reflections of a particular way of life” (Negus, 1999:129).

<sup>30</sup> While the words “real” and “authentic” frequently appeared in the article by Neumann and Simpson (1997), in my research and experience with jamband fans and tapers, “authenticity” has never been explicitly described or stated. This is not to suggest that some fans do not imply or maintain a belief in the “authentic,” just that it is not generally part of the daily discourse surrounding jambands and tape-trading.

concert recordings: “They’re like volumes of an encyclopedia to an avid collector. They’re an experience collection. It’s a collection of little experiences.” Regarding a tape he held in his hand, Mister Charlie commented: “This is four and a half hours of July 18<sup>th</sup>, 1989 in the middle of the rain....there’s a captured experience inside this little plastic case” (1997:330). Another collector “Satch” explains “in a way, I think of myself as an archivist, you know because I have a pretty vast library” (1997:330). In fact, some tapers are actually taking over as part-time archivists for up-and-coming bands like the Disco Biscuits, Particle, and Brothers Past.<sup>31</sup>

Although most tapers consider taping a hobby, the majority of tapers are deeply invested in their activities and passionate about their musical interests. While this investment often translates into a dedication to sound quality and ethics, most tapers take their recording activities quite seriously, perhaps too much so. Michael Endelman reports on a conversation with John Perry Barlow, lyricist for the Grateful Dead’s Bob Weir:

“There were a lot of jokes about tapers,” says John Perry Barlow of his days with the Grateful Dead. “Mostly around how seriously they took themselves. But you didn’t want to mess with the tapers, because they didn’t have a sense of humor about it. I always felt like they were doing something that was way more important to them than it should be.” (2001:5)<sup>32</sup>

On Taperssection.com (an emerging hub for taper discussion), tapers meticulously discuss the details of their preferences for specific recording gear, microphone placement, and a variety of esoteric data-transferring processes.<sup>33</sup> In an online discussion on PT-Bisco, a user echoed

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<sup>31</sup> In various online discussions and one personal conversation, several tapers mentioned their status as an archivist for the band in question. Additionally, various inquiries on [www.taperssection.com](http://www.taperssection.com) have included tapers and traders seeking out archivists for specific bands.

<sup>32</sup> In this way, tapers are not unlike professional recording engineers, especially when you consider their similar tendencies to value technological knowledge, sound quality, and documentation.

<sup>33</sup> In Will Straw’s essay “Sizing Up Record Collections: Gender and Connoisseurship in Rock Music Culture” (1997), he discusses the tendency for male music fans to value record collections and musical knowledge, as a kind of “nerdish homosociality” that is “as fundamental to the masculinism of popular music as the general valorisation [sic] of technical prowess and performative intensity more typically seen at its core” (15). Though not entirely appropriate for this study, Straw’s essay helps explain why the

Barlow's sentiments a bit more succinctly: "all i know is places like [taperssection.com](http://taperssection.com) are filled with total assholes." He continued in a subsequent posting: "assholes in the sense of being one of those 'i am a taper so i am God's gift to heady humanity' sense. they are often helpful with questions about gear and stuff."<sup>34</sup>

Ironically, many tapers miss out on much of the actual concert experience as a result of their dedication to recording it. Endelman reports on a conversation with Kevin Shapiro:

"You're definitely missing out on the show," explains Phish archivist Kevin Shapiro, who no longer tapes regularly. "You can't give your full attention to listening to the artist, or dancing, or interacting, because your attention is on preserving sound waves—you have to think about that. There's no way to avoid it." (2001:5)

John Barlow echoes this sentiment, but suggests that tapers are an integral component to be appreciated, or at least tolerated, by band members and fans:

I always felt that tapers were like the Tibetan butcher caste. Tibetans have to eat meat, but they can't kill it, so they have this other caste of Hindus from Nepal do all the butchering for them. I always felt like the tapers were like that butchering caste—they couldn't really enjoy the concerts ... but putting up with them was the price we paid to enjoy ourselves, knowing that there was going to be a recording later. (Endelman, 2001:6)

Here Barlow hints that tapers' behaviors during concerts are tolerated despite the tensions that often exist between tapers and other fans. While some tapers may exude attitudes of superiority, most are ambivalent to anyone but the members of the bands they record; or, they rate these concerns as secondary to their own personal enjoyment. Taper NJFunk explained to me in an online forum: "I tape for myself. I tape because I want live recordings of bands that aren't typically available but put on a terrific live show. Historical significance is secondary to me."<sup>35</sup>

Other tapers in the forum expressed similar ambivalence to other fans. Tapersection.com user,

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majority of tapers are male, tend to exude a technical "geekiness," and are typically obsessed with the collection/documentation of obscure cultural artifacts.

<sup>34</sup> Marc Whitman, [tDB Tapers.Step Inside](http://www.phantasytour.com/bisco/boards_thread.cgi?threadID=686227), 2005, Online Discussion Forum, Available: [http://www.phantasytour.com/bisco/boards\\_thread.cgi?threadID=686227](http://www.phantasytour.com/bisco/boards_thread.cgi?threadID=686227), 18 Apr. 2005.

<sup>35</sup> Marc Whitman, [General?s about Tape-Trading, File-Sharing, Scene.Any Opinions?](http://taperssection.com/index.php?topic=39607.0) 12 Apr. 2005, Online discussion forum, Available: <http://taperssection.com/index.php?topic=39607.0>;all, 17 Apr. 2005.

bmr, suggested: “Since I tape for myself, no, I guess I don’t really care too much either way. I think you’ll find that’s a common theme here, as we’re hobbyists (sp?) and do it out of love of the hobby moreso than appeasing others.”<sup>36</sup> In regards to fan appreciation, NJFunk echoed bmr’s statements: “I feel appreciated by fans and other people that appreciate what I do. Not by ‘the masses’ though. Of course, I don’t care at all, I tape for myself.”<sup>37</sup> Clinton Heylin (author of *Bootleg*, 1994) summarizes what tapers do in the following: “It’s a very pure form of collecting in that way. What you’re collecting has no financial value, but it has immense cultural and aesthetic value to you as a person” (Endelman, 2001:5).

## VI. Documenting the Details: Sound Quality and Online Archives

As tapers and traders invest deeply in documenting setlists, going “on tour,” and collecting and archiving recordings, it is not surprising that they are also avid cataloguers. Evidence of these cataloguing tendencies dates back to Grateful Dead fans and tapers who not only collected tapes, setlists, tour dates, and other memorabilia, but diligently documented and organized many aspects of the band’s history. Some of the best examples are the initial attempts at collecting all of the band’s tour dates and setlists. The first published effort was *The Official Book of Deadheads* [Quill, 1983] by Paul Grushkin. This publication was followed by a more serious effort compiling setlists and song statistics through a project called *Deadbase*, first self-published by Mike Dolguskin, Stu Nixon, and John W. Scott in 1987, and subsequently released annually until 1995 when the band stopped touring. Phish fans followed suit with various issues of the *Pharmer’s Almanac*, a similar effort to document the band’s touring exploits. But perhaps more revealing is the *Deadhead’s Taping Compendium*, a three-volume collection of Grateful

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<sup>36</sup> Whitman, [General?s about Tape-Trading, File-Sharing, Scene.Any Opinions?](#)

<sup>37</sup> Whitman, [General?s about Tape-Trading, File-Sharing, Scene.Any Opinions?](#)

Dead recording history that includes reviews of every recorded concert, recording quality specifications, and taper anecdotes and interviews. Documentation with this degree of detail continues to pervade today's tape-trading realm. It is especially evident in the manner by which tapers have standardized their practices and maintained a strong dedication to sound quality.

Grateful Dead tapers were (often obsessive) audiophiles who highly valued sound quality and collectively searched for the next new technology that would improve their recordings. In each volume of the *Deadhead's Taping Compendium*, the first three pages of the "reviews" section include a detailed key of "How to Read the Reviews" (Dwork and Getz, 1998-2000). Beyond the setlist information I have already explored (i.e. songs, segues, band name, date, venue, and location), these reviews also document the source, which include the audio source (i.e. audience or soundboard), sound quality, length, genealogy (or lineage), and taper name. The *Compendium's* reviews also include highlights, comments, and full-length show reviews, but it is the source information and the existence of the review's "key" that best reveals the archivist tendencies and standardization. The source is the audio source, either from an audience microphone recording (AUD) or a soundboard patch (SBD; originating from within the band's sound system).<sup>38</sup> The genealogy or taping lineage is another important piece of the documentation, where the source of the sound is traced through any transfers (i.e. reel to reel tape to digital), denoted by a variety of symbols such as MC (master recording), MR (master reel), RR (reel-to-reel), or DAT (digital audio tape) (Dwork and Getz, 1998:57). While the *Compendium* lists some additional information and was published for dedicated collectors, the setlist, source coding and lineage information demonstrate efforts by past tapers to detail the sound quality of their recordings.

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<sup>38</sup> Other soundboard sources might be labeled as FM-SBD, denoting a soundboard recording played via a radio broadcast of some kind.



One can find current indications of this dedication to sound quality and standardization among the thousands of recordings that are now stored digitally in the Live Music Archive, a partnership between Etree.org and the Internet Archive.<sup>39</sup> The Internet Archive describes itself as the following:

The Internet Archive is a 501(c)(3) public nonprofit that was founded to build an “Internet library,” with the purpose of offering permanent access for researchers, historians, and scholars to historical collections that exist in digital format. Founded in 1996 and located in the Presidio of San Francisco, the Archive has been receiving data donations from Alexa Internet and others. In late 1999, the organization started to grow to include more well-rounded collections. Now the Internet Archive includes texts, audio, moving images, and software as well as archived web pages in our collections.<sup>40</sup>

Etree.org is also a non-profit organization, formed in 1998 as a community for trading live concert recordings. The “Who Are We?” page describes the site’s history:

The community now known as etree.org was formed as an offshoot of two highly regarded online Phish communities; Sugarmegs Audio and PCP (People for a Clearer Phish). Starting with 10 people, etree.org has seen a staggering growth rate since inception. As of February 2001, there were almost 300 independent file (FTP) servers, providing the trunk of etree.org to over 12,000 users.<sup>41</sup>

Today, the Live Music Archive is constantly linked and cited throughout online message boards such as PhantasyTour.com. I have been aware of its existence since it began hosting concert recordings (in the fall of 2002) and have watched it slowly become the central location for storing over 22,000 concert recordings of “trade-friendly” bands.<sup>42</sup> While the Live Music Archive is where most digital audio files are now stored, Etree.org has been instrumental in organizing the recording collections, maintaining sound quality standards, and promoting trading ethics. The “Who Are We?” section clearly explains the standards for acceptable audio files:

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<sup>39</sup> There are additional file-sharing services and smaller websites that store audio files for download, but I am focusing on the LMA because of its history and prominent status as a main downloading hub for “trade-friendly bands” that allow their recordings to be stored there.

<sup>40</sup> About the Internet Archive, 2005, Available: <http://www.archive.org/about/about.php> 16 Apr. 2005.

<sup>41</sup> Michael Crow, Who Are We? 6 Jun 2002, Etree.org, Available: <http://www.etree.org/whoarewe.html>, 16 Apr. 2005. FTP stands for file transfer protocol and is one of several ways to transfer files over the Internet between servers and individual users’ personal computers.

<sup>42</sup> User Statistics, Available: <http://www.archive.org/about/stats.php>, 16 Apr. 2005.

The etree.org community uses an independent network of file (FTP) servers that host and distribute Shorten (SHN) audio files. Shorten is our file format of choice because it uses a lossless compression scheme, and is available for a variety of operating systems. This means the digital audio files distributed via etree.org are identical to the original DAT source, and can be played on any computer. There is absolutely **NO** sound quality loss, or any loss of information for that matter! Every downloaded copy is an identical clone of the original DAT source. **Etree.org does not host or distribute MP3 files!** While MP3 has a good sound for such a small file size, it is a lossy compression scheme. This means that when music is converted into the MP3 format, a certain amount of data is lost and cannot ever be recovered.<sup>43</sup>

This statement reveals a dedication to sound quality that closely follows the tradition of past tapers and tape-traders who worried about everything from the quality and placement of their microphones to the final medium upon which the audio was stored.<sup>44</sup> As suggested, Etree.org, like previous tapers' groups, also played an important role in standardizing taping and trading practices, taking earlier documentation and collection practices and improving upon them as technologies progressed. The current website is a comprehensive hub of all that one might need in order to get involved in the online trading community. Just in its "Wiki," the site currently includes the following sections:

Table 1.<sup>45</sup>

1) AboutEtreeOrg	9) NotAcceptable
2) BandAbbreviations	10) ProjectPage
3) BecomeFriendly	11) SeedingGuidelines

<sup>43</sup> Crow, Who Are We? (emphasis in original) Etree.org now accepts the FLAC audio format as well.

<sup>44</sup> Some recent changes complicate the Etree.org statement. The Live Music Archive gradually began hosting MP3s alongside the "lossless" audio formats (SHN and FLAC). They asked tapers and users to evaluate the results and offer feedback. Although both tapers and bands were given the option to prohibit compression of audio files to MP3s, some dedicated "lossless" proponents staunchly opposed hosting any MP3s on the site at all. Despite their concerns, most users simply saw this as an added benefit, because it allowed users to download smaller-sized files or stream samples from a show they might download; therefore, the hosting of MP3s has continued. In addition, this debate also brought up issues regarding the original purpose and mission of the LMA: to spread music for "trade-friendly" bands. Thus, most users agreed that MP3s would help spread the music because of the smaller file sizes and the popularity of portable digital music players, like Apple's iPod.

<sup>45</sup> Etree Wiki, Available: <http://wiki.etree.org/>, 16 Apr. 2005. A "wiki" is an Internet document that is collectively created and maintained. Wikipedia is a popular wiki encyclopedia online. Bittorrent and FurthurNet are additional tape-trading networks and technologies that function differently than the LMA. Additionally, the "BecomeFriendly" section encourages other bands to become "trade-friendly," listing the reasons why bands allow taping and examples of success.

4) BitTorrent	12) ShnDatabase
5) BitTorrentDownloads	13) SoftwareYouNeed
6) BittorrentSearchEngines	14) TradeFriendly
7) FurthurNet	15) TradingPolicies
8) HowToGuide	

The majority of these sections document the “correct” way of trading, taping, naming, or uploading audio files (or “seeding”), while some explain band-specific practices in the case that a band’s taping policy includes additional requirements.

### **VII. Interaction: Taping Policies, Taper Ethics, and Band Cooperation**

Every band listed on the Live Music Archive includes a link to its specific taping and trading policy that details each group’s permissions and requirements to tape and trade. In their taping policies, “trade-friendly” bands clarify their stance on what they do/do not allow during concerts, the trading of certain file formats, and concert logistics.<sup>46</sup> Some taping policy statements spell out every detail in several pages (i.e. 311 and Phish),<sup>47</sup> others simply state the necessary permission (G. Love and Special Sauce),<sup>48</sup> while others require fans to send the artists copies of their recordings (Charlie Hunter).<sup>49</sup> The artists’ requirements seem to depend on their level of trust in tapers and traders, their commitment to accommodating tapers, and their degree of comfort in maintaining control over their music. Much of this trust stems from an established taping ethics and etiquette that is well-known by tapers, fans, and artists alike.

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<sup>46</sup> See appendices III and IV for examples of a taping policy.

<sup>47</sup> 311 Taping Policy, Available: [http://www.311.com/html/news\\_taping\\_policy.html](http://www.311.com/html/news_taping_policy.html), 17 Apr. 2005.

<sup>48</sup> G. Love and Special Sauce Has the Following Taping and Trading Policy, Available: <http://www.archive.org/audio/etree-band-details.php?band=G.%20Love%20and%20Special%20Sauce>, 17 Apr. 2005.

<sup>49</sup> Charlie Hunter, Taping Policy, Available: <http://www.charliehunter.com/setlists/tapingpolicy.html>, 17 Apr. 2005.

Whether explicitly intended or not, in the early days of tape-trading, Grateful Dead tapers and fans codified the taper ethics and values that have continued to be observed to the current day. While the band famously offered their credo: “when we’re finished with it [its music], they can have it,” the other half of this exchange (that of tapers and fans) played an equally instrumental role in the evolution of the practice. While not explicitly stated, an unwritten taping and trading etiquette emerged out of the early scene as tape-traders consciously rejected the potential for monetary gain in their trading practices. While bootlegging sales undoubtedly occurred, bootlegging gradually achieved taboo status, frowned upon by tapers and fans as it undermined the band’s permissive attitude toward fan taping.<sup>50</sup> In his “Deadhead code of morality,” author and Dead fan Steve Silberman lists these guidelines: “no scalping, no selling tapes, no “narcing” and, in general, just trying to live by the Golden Rule” (Wilgoren, 1999:199).<sup>51</sup> In addition, tapers and traders also believed that the music was meant to be shared. Although there are initial stories of taper power trips in which tapers “*deliberately* mislabeled tapes, created deliberate cuts in jams,...and refused to hold up their end in tape trades,” over time traders advocated an ethic of sharing. Dwork and Getz explain: “Among tapers, a collective sense of etiquette and respect for others, and for the music, has clearly evolved in the face of anarchy that swirls through the scene” (1998:xv).

One might find it difficult to imagine any type of “anarchy” in the current tape-trading scene after exploring the Etree.org website, where tapers have created extensive trading guidelines, posted band policies, and recently added “Become Friendly” section promoting the

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<sup>50</sup> Additionally, as more and more concert recordings became available, fans were less likely to pay money for bootleg copies when they could obtain them without the exchange of money.

<sup>51</sup> “Narcing” refers to a NARC officer and the potential for one fan to expose another fan's illicit drug use or possession by alerting the authorities.

benefits of tape-trading for bands that might consider permitting it.<sup>52</sup> In these spaces, tapers demonstrate their dedication to trading etiquette, sound quality, and to gaining the artists' consent. While previously quoted taper NJFunk may have exuded indifference as to fan appreciation for his taping efforts, he clearly stated the importance of the artist's consent and approval: "I DEFINITELY care that artists themselves appreciate what I do."<sup>53</sup>

The relationships between tapers and the bands they record, particularly in the jamband scene, display a level of cooperation that is an integral part of the ongoing reproduction of taper practices. The degree to which a band and its sound crew tolerate, encourage, and/or aid tapers, reveals the value the *band* places on taping and assuring that the recordings produced are of good sound quality. Even prior to Dan Healy's creation of the taper section at Grateful Dead concerts, taper accounts suggest that Healy and the sound crew not only tolerated their presence, but in some cases actually helped tapers get inside the venues with their gear, make better recordings, and in some cases patch directly into the band's sound system for a clearer recording (Dwork and Getz, 1999:35). These interactions continue to be an important component to tapers' practices today. On Taperssection.com, there are many inquiries and discussions regarding various bands' taping policies and practices. In the "taperchat" section, various inquiries on taping policies also include questions about the helpfulness of the band sound crew, their permitting of soundboard recordings, and contact information for "who to find" in case you run into security issues. In a recent thread regarding the Yonder Mountain String Band, tapers advised about speaking with their soundman, Ben Hines, including various technical suggestions about which cables to use to patch into the soundboard—even a suggestion to buy him a diet coke.<sup>54</sup> In fact, because

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<sup>52</sup> Become Friendly, Available: <http://wiki.etree.org/index.php?page=BecomeFriendly>, 20 May 2005.

<sup>53</sup> Whitman, General's about Tape-Trading, File-Sharing, Scene.Any Opinions?

<sup>54</sup> Yonder Mountain Still Allow SBD Patches? 14 Apr. 2005, Online discussion forum, Available: <http://taperssection.com/index.php?topic=39765.0>, 17 Apr. 2005.

performance venues usually prohibit these types of recordings, band organizations often have to accommodate fan tapers if they want to them to record their concerts. Howard Schacter, a spokesperson for SFX, the country's largest club operator and tour promoter, explains that concert recording is "100 percent up to the bands. The assumption is that they don't want it. So unless bands have specifically said 'we want our fans to record the show,' we prohibit it" (Schacthman, 2001).

But why do bands make specific accommodations for tapers when they are not paid for these recordings? Why carve out a specific taping policy, allow sound crew to be bothered, and deal with each venue's different security and management? In simpler terms: what value might bands get from their concerts being recorded?

### **VIII. Band Business Models: Free Promotion with Less Control**

Despite an uneven relationship between tapers and the mainstream recording industry—which typically view tapers with ambivalence at best and at worst as an illegal threat equivalent to piracy—some advocates have supported the notion that both authorized and unauthorized taping and trading of concert recordings can substantially benefit artists. Tape-trading provides a type of free, grassroots (or "underground") promotion and publicity that is especially useful for up-and-coming bands without industry support. Lee Marshall also suggests that tape-trading and bootlegging can "enable the industry to hold on to a particular type of fan" (one dedicated to an artist's career) in a general market climate that has been declining since the 1970s due to a plethora of competing leisure attractions (2004:173-174). Marshall adds that these recordings frequently "have acted as an impetus for a large number of official (and successful) releases"

(2004:173).<sup>55</sup> While scholars like Marshall (as well as Clinton Heylin in his 1994 study: *Bootleg*) have made strong arguments for the artist's benefits from bootlegging and tape-trading, over time this attitude has become fact among jambands and their fans.

This view has clearly been shaped by the scene's historical connection to the Grateful Dead, as well as by the success of bands like Phish, whose career was strongly supported by tape-trading from its inception. In response to a suggestion that musicians might be "cheated out of money if they allow audience taping," jazz-funk guitarist Charlie Hunter explained in an interview:

I thought the same thing at first. But then I realized that this is a hobby, and these tapers would never sell the shows. There are thousands of people trading these tapes, and what they're doing in many ways is better than what a record company can do. They provide an enormous grassroots marketing base without even knowing it. (Josephson, 2000:36)

Here Hunter supports the promotional tool justification and further emphasizes his inherent trust in tape-traders' motivations. Robert Mercurio, bass player for New Orleans funk group Galactic, concurs: "For us, (allowing audience taping) was a big boost at the beginning. It gave us fans all over the country. Early on, sadly enough, it was easier to get a tape of our show than a studio CD" (Schachtman, 2001). Warren Haynes, lead guitarist for the Allman Brothers, Phil Lesh & Friends, and Gov't Mule (all three bands allow taping), explains the situation in this manner:

People who care enough about your music to trade your tapes are going to support you. They'll go to your shows and buy your studio releases. [Show recordings] become a form of promotion. One theory behind [show recording] is that it discourages bootlegs because these tapes are free. Why pay \$30 or \$40 for a bootleg when you can hear the show for free? Most of the bands that are against taping are the ones that play the same show every night -- and don't want fans to know that. (Schachtman, 2001)

Kevin Shapiro, full-time archivist and legal counsel for Phish, echoes Haynes's theory that permission to tape might actually help stave off illegal bootlegging: "I think that it stymies

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<sup>55</sup> Marshall cites the Rolling Stones' *Get Yer Ya-Yas Out* (1969), Bob Dylan's and the Band's *Before the Flood* (1974) as two examples. As previously noted, Marshall conflates tape-trading and bootlegging for his overall argument that generally supports both activities.

bootleggers...Because fans are aware of the taping network—it’s so easy to get a copy of a show on the Web—they are less likely to pay for a bootleg” (Endelman, 2001:4). Comments such as these abound in interviews with trade-friendly bands, as well as among their fans and tapers. These sentiments suggest that tape-trading is much more than a “subversive” activity, but a free form of outside support and promotion that aids in increasing sales of ticket, merchandise, venue concessions, and quite possibly an artist’s officially released recordings.

Vaughan Black and David Fraser summarize the potential benefits of tape-trading with the following:

It might appear, then, that the attitude and practice of the Grateful Dead, which not only allowed but encouraged taping by setting aside tapers’ sections at its shows, demonstrates a practical way in which the capitalist motive of a commercial enterprise like the Grateful Dead can be supplanted by a non-profit, artist, community-building set of practices such as tape-trading. (1999:32-33)

Clearly, taping and tape-trading is not the “staunchly anti-commercial”<sup>56</sup> or “deviant” activity some journalists and even scholars describe it to be, in their attempts to romanticize the potentially “subversive” consumer behavior of an “exceptional” subculture. Perhaps it might be viewed in this light as simply *evasive* of standard recording industry norms and practices? In one sense, tape-traders have developed a uniquely legal way to gain free access to music. On the other hand, tapers and tape-traders are also actively engaged as consumers in other areas of capitalist culture, spending disposable income on concert tickets, band merchandise, concessions, high-speed Internet connections, CD-burning technologies, and for some, high-end recording

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<sup>56</sup> Despite a generally well-written and informative article, this is one of the terms employed by Michael Endelman (2001) that tends to exaggerates tapers’ activities.



equipment.<sup>57</sup> By spending the capital to do it themselves, tapers and traders seem to be actively attempting to fill a void that the mainstream recording industry has not attempted to satisfy.

So where might all of this taping and tape-trading lead? If these evasive practices have continued to grow from the early days of the Grateful Dead into a wide web of Internet archives and tape-trading masses, what does the everyday presence of a taper at each jamband show actually *do* besides continue to reproduce concert recordings for fans of live music? Michael Endelman speculates about the potential effects:

With many more bands following suit, tape trading could become the next Napster—a form of grassroots music distribution paralleling the recording industry, but free of corporate influence and commercial pressure. The growth of the taper community could also signal the expansion of a subversive, relatively new subculture, consisting of thousands of young Americans in search of something more raw and unfiltered than what MTV has to offer—the live concert. Or it might just be another way to scam free music, dude. (Endelman, 2001:2)

While Endelman’s journalistic account might be a bit overstated (note his use of “subversive”), he touches on many of the issues I have already explored. But with his suggestions of a growing subculture, free music, and the next Napster, Endelman’s vision might not be so far-fetched. In this account (from 2001), Endelman points to “more mainstream” artists who have adopted tape-trading in a similar mold: “indie rockers Built To Spill, hair-metal specialists Motley Crue, grunge standbys Pearl Jam, and alt-country band Wilco are just a few of the acts that allow taping” (2001). On the emerging nexus of tape-trading, the Live Music Archive, its list of “trade-friendly” bands now includes recent Grammy winners Los Lonely Boys, along with bands as popular and diverse as: 311, Ben Kweller, Big Head Todd and the Monsters, the Cowboy Junkies, Del McCoury Band, G. Love & Special Sauce, Jack Johnson, Jason Mraz, Rusted Root,

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<sup>57</sup> Marc Whitman, General?s about Tape-Trading, File-Sharing, Scene.Any Opinions? 12 Apr. 2005, Online discussion forum, Available: <http://taperssection.com/index.php?topic=39607.0;all>, 17 Apr. 2005. Most tapers cited expenses between \$1000 and \$3000 for their equipment.

Ryan Adams, Soulive, and Tenacious D.<sup>58</sup> Most of these artists have some form of record label or industry support, while many have garnered substantial radio play. Moreover, most of these artists would almost certainly question the “jamband” label if it were applied to them (with the possible exception of Rusted Root and Soulive). Clearly, the Live Music Archive is not just for the “jamband” set, but for bands known for their engaging live performances.

Given an ever-expanding fan interest in quality concert recordings, many artists have begun to offer their own “live downloads” and CD packages of their concert performances. While official live releases are nothing new in the recording industry, bands who have had substantial success with their concert tours are now offering an almost endless supply of official live releases. An *MTV News* article summarizes the emerging trend in 2002: “Welcome to the new world of live albums. With a mix of streaming and downloadable live goodies and special online fan club offers, bands from Weezer to Wilco and the Who to Pearl Jam are letting fans relive the concert experience in record time” (Kaufman, 2002). In December of that same year, Phish launched its own download portal, Live Phish Downloads, with the help of Brad Serling’s Nugs.net. Since then, Serling’s site has spun off several other download portals of the same model, including sites for Metallica, Dave Matthews Band, The String Cheese Incident, Widespread Panic and Yonder Mountain String Band.<sup>59</sup> Regarding the launch of livephish.com, Danit Lidor quotes a fan on the economic appeal of the service: “The commercialization of live music is pure and simple capitalism: a demand is satisfied and a profit is realized,” fan Chuck Thies said. “There is phenomenal potential to serve a larger market and rake in considerable dough” (Lidor, 2003). While it is possible that in this age of online digital file distribution one might suggest that services like Live Phish Downloads were simply inevitable and eventual

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<sup>58</sup> Live Music Archive: Browse Top Level, Available: <http://www.archive.org/audio/etreelisting-browse.php>, 18 Apr. 2005.

<sup>59</sup> About Nugs.Net, Available: <http://web1.nugs.net/about/>, 18 Apr. 2005.

consequences of technological advancements, it is hard to imagine their launch without such a large degree of initial fan interest in the collection of multiple concert recordings. Chuck's comments above certainly capture this notion, particularly as he emphasizes the new potential profit possibilities being realized by these bands—bands that, when one tallies the names mentioned thus far, are generally well-known as “live bands” on the concert circuit. The emergence of these services seems to mark a general trend towards satisfying the fan desire for the “live” experience, a desire that for so long has been filled by various forms of tape-trading and bootlegging, and to a lesser extent, official live releases.

Thus, the launch of these live download services demands several questions: What is their overall effect on taping and tape-trading? Will they replace it? Can these developments be viewed as efforts not just to create more revenue, but also to gain more (or regain) control of the music? What are the larger consequences of an emerging “live band” business model?

### **IX. Potential Effects: Technological Change, Tape-Trading Evolution, and the File-Sharing Debate**

The consequences of tape-trading and recent trends that I have labeled “live” band business models are still being played out on micro levels and macro horizons. Coupled with the expansion of jamband (and “live” band) message boards and websites, it appears as though the centralization of taping and tape-trading is having tremendous effects on the jamband scene in ways that are both positive and potentially negative. Although taping and tape-trading generally eschews the legal issues tied to illicit Internet file-sharing, its emergence as a veritable “live” band business model appears to be filtering into the larger debate over copyright law and intellectual property.

On the micro level, the centralizing force of the Live Music Archive, and digital downloading in general, seems to be largely acclaimed as a positive development. In fact, there are almost weekly threads on the PhantasyTour.com website in “appreciation” for the “Archive,” as well as for the dedicated tapers that continue to record and upload concert recordings.

But not all fans consistently salute the ease and efficiency of digital downloads as a positive development. Some fans and tapers admit that some community-building and interaction is lost when there is less personal interaction. One PT-Bisco user suggests:

There’s a certain element that gets lost in the instant gratification of the Archive... having so much music readily available has its ups and downs. I remember waiting for weeks to get CDs from people and when I got them they seemed so special and I’d listen to every one of them front to back...now you can download a show in an afternoon, skim it, and delete it before you’ve even had time to process.<sup>60</sup>

Tapers have also expressed similar concerns; one offered this explanation:

There are also some tapers who appreciate the organic nature of tape trading...that is, DAT and cassette tape trading, through the mail, following snail mail correspondence. Now, this is largely done via email and cds...add to that bit torrent or archive.org-type sites, where the only media is a folder on your computer, and you lose the physical/organic nature completely. That’s bummed out a lot of old-school tapers and traders, and while I was never a part of that generation I can respect where they’re coming from and how they’d be a little disillusioned by the movement to an all-electronic trade interface.<sup>61</sup>

Other tapers have expressed graver doubts about their future as the newly-launched downloading services potentially threaten their current existence:

With the downloads being offered, there’s little reason why Phish or any other band that sells its live music needs to accommodate the many needs of tapers. In the past it was a brilliant marketing move, without which the Grateful Dead might have gone the way of the Jefferson Starship. I shudder at the thought. It’s possible Phish wouldn’t be as popular as they are now without taping to spread the word. But I doubt I would go to as many shows if I were not taping. (Bohlin, 2004)

While Phish continued to allow taping during their 2004 tours, it appears as though other bands have slowly abandoned their previously accommodating stance towards tapers as a result

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<sup>60</sup> Whitman, [tDB Tapers.Step Inside.](#)

<sup>61</sup> Whitman, [General?s about Tape-Trading, File-Sharing, Scene.Any Opinions?](#)

of their recent success in the mainstream. This taper expresses his experience with recent Grammy winners Maroon 5:

Maroon 5 on the other hand - they were supportive of tapers when noone knew who they were. Now that they've hit it big, they are apparently not informing the venues of an open taping policy and tapers are getting turned away. I had a really bad experience May 2004 where I drove 2.5 hrs to tape them at the Univ of North Alabama only to get turned away by the police, university kids, venue, and finally their own tour manager. The tour manager even made up some crap about how they allow taping but I was supposed to email them a week in advance to get permission to tape before he gave me the refund I demanded and tossed me out.<sup>62</sup>

This potential change is also echoed by Galactic's evolving stance on taping. Schachtman reports: "We don't really encourage (taping) anymore. It's something we allow; we can't turn it off. But we're on a major label now, and you can get our CD in stores," said Galactic's Mercurio. The band's worried "that (taping) could hinder our CD sales" (2001). While it is difficult to imagine hundreds of bands abandoning tapers and tape-trading altogether, there is certainly a sense of an ongoing evolution and advancement as a result of the ways fans are making use of technological change. By and large, the majority of fans and tapers tend to agree that the developments over the last few years (mainly the expansion of the Live Music Archive and popular trading software Bittorrent) are continuing to have profound effects on their daily interactions with recordings. Additionally, while some fans may miss the community-building aspect of person-to-person trading, the vibrant daily activity among fan message boards has certainly increased as a result of the Internet's continuing appeal for discussion and debate. And while the success of some "trade-friendly" bands might alter their consciousness and push them to tighten their control, hundreds of newer, up-and-coming bands continue to find tape-trading to be an effective way to build their reputations and fan followings.

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<sup>62</sup> Whitman, [General's about Tape-Trading, File-Sharing, Scene.Any Opinions?](#)

While these ongoing effects are tangible and interesting on a micro level, I suggest that there is a wider scope to the tape-trading phenomena, one that may be bleeding into the current debate over copyright law and Internet file-sharing. As file-sharing capabilities have had enormous consequences on the nature and scope of tape-trading, they have also distressed the mainstream recording industry by allowing Internet users to trade content (audio, video, etc) that is protected by copyright. The current debate is being waged primarily by industry lobbying groups such as the Recording Industry Association of America (RIAA), against illegal Internet file-sharing and some of the technologies that enable these activities. The industry attacks these activities through penal and legal efforts linked to a strict definition of intellectual property. The other side of the debate is comprised of scattered groups of artists, lawyers, and various consumer and technology advocates (such as the Electronic Frontier Foundation) trying to find a workable solution that helps stave off the illegal copyright infringement, while allowing legal file-sharing to continue and avoiding any measures that might stifle technological innovation.

While there are a myriad of voices in between the two sides of the debate, some artists, lawyers, and consumers argue for a dramatic shift in defining intellectual property and copyright law. Stanford University law professor Lawrence Lessig, and Wilco frontman, Jeff Tweedy, recently spoke on the current debate at a conference in New York City, entitled “Who Owns Culture?” Both speakers supported the justification of file-sharing as promotion. Lessig emphasized that a “decision to outlaw downloading would have a profoundly inhibiting effect on the creation of culture” (Carr, 2005:11). He asked, “What does it say about our democracy when ordinary behavior is deemed criminal?”—a question that alludes to the ordinary and everyday activities of all music fans engaged in sharing music online (Carr, 2005:11). In another article on the same topic, Tweedy expressed the importance of interaction between audience and band in

the creative process: “The audience is our collaborator. We should be encouraging their collaboration, not treating them like thieves” (Lessig, 2005). While Tweedy’s band, Wilco, has found mainstream success (they won a Grammy for 2004’s *A Ghost Is Born*)<sup>63</sup> as well as industry support from Nonesuch Records, the band gives much of the credit for its success to the Internet and file-sharing (Carr, 2005:11).<sup>64</sup>

Considering the large number of successful “live” bands that continue to allow tape-trading and persuade fans to attend multiple concerts and tours, one might ask whether the tradition of tape-trading and the legacy of the Grateful Dead have filtered into the debate over Internet file-sharing, copyright law, and emerging Internet technologies. At the “Who Owns Culture?” conference Jeff Tweedy also explained: “Once you create something, it doesn’t exist in the consciousness of the creator” (Carr, 2005:11). His statement is strikingly similar to the Grateful Dead’s credo: “When we’re finished, let them have it” (Black and Fraser, 1999:33). Although legal tape-trading might be considered outside the conventional debate over copyright laws and Internet file-sharing, it appears that the success of the “live band” business model lends strong ideological support to the notion that other ways of treating copyright and intellectual property can succeed. While this permissive approach might not be appropriate for all artists, it has emerged as a sensible model for those musical groups that primarily focus on their concert performances. Jon Fishman, drummer of Phish, accentuates the bottom line of one of the most popular and successful “live” band business models:

I could fucking care less if everybody downloads our album off the Internet. We’re not in a position to be screwed by that at all. We have the one thing the Internet can’t touch -- live music. If you can actually go out and play your fucking instruments, you won’t be replaced

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<sup>63</sup> 2005 Grammy Award Winners, 13 Feb. 2005, CBSNews.com, Available: [http://www.cbsnews.com/stories/2005/02/14/in\\_depth\\_showbiz/main673822.shtml](http://www.cbsnews.com/stories/2005/02/14/in_depth_showbiz/main673822.shtml), 18 Apr. 2005.

<sup>64</sup> While Tweedy’s comments seem to assert the Internet’s potential within the mainstream recording industry, it is important to note that Wilco has an open taping policy and generally encourages tape-trading amongst its fans.

by the Internet. If you're a good live act and you put on a good show, people will buy a ticket to see your show. (Fricke, 2003)

As major recording industry businesses continue to exhibit a “reluctance to embrace the more radical organizational changes that might allow them to accommodate the impact of software formats and Internet distribution systems” (Crewe et al, 2005:202), bands dedicated to the “live” concert experience will continue to find new ways to share and distribute their concert recordings to fans, with varying levels of artistic control. Hopefully, these bands will also continue to allow fans and tapers to record and trade their concerts with an openness to “sharing the music” and a recognition that tape-traders are enthusiastic promoters devoted to spreading high quality “live” music to as many potential fans as possible. As long as these groups continue to play engaging concert performances and allow fans to document them, they might eventually be singing the same praises as Phil Lesh, Jon Fishman, Jeff Tweedy, and a myriad of other band members that support the taping and trading of their concert recordings.



## Appendix I

### PLAN C APPROVED

The Disco Biscuits  
12/31/2004  
Hammerstein Ballroom  
New York City, NY

Source: AKG480'sck61 (First Balcony) DIN Stereo > Lunatec V2 (gain 25,rolloff2) >  
SONIC AD2k+ 24bit gain(18) [24/48 > 16/44.1] > PDAudio-CF > HP5550 > EXdrive  
Lineage: Exdrive PCMCIA > USB2.0 > Wavelab 5.0 (resampled and dithered} > CDWave > flac16 Level8  
Recorded and Encoded by Nick Colovos  
Tracked and reviewed by Nick Colovos and Kevin Hughes

#### Set 1

##### Disc 1

1. Tuning
2. I Remember When
3. World Is Spinning
4. And The Ladies Were The Rest Of The Night
5. Save The Robots >
6. Run Like Hell(1)

#### Set 2

##### Disc 2

1. Home Again
2. Crickets ->
3. Save The Robots(2) >
4. Mindless Dribble(3) >
5. Helicopters(4)
6. Caterpillar
7. Banter (party favor)
8. Shelby Rose

#### Set 3

##### Disc 3

1. Banter
2. Magellan
3. Frog Legs ->
4. Crickets
5. Crowd (encore)

#### Disc 4

1. Hope\*

- (1) ending only. Completes 12/27/2004, 12/29/2004 version
  - (2) with NYE countdown
  - (3) completes 12/30/2004
  - (4) with "Happy New Year" lyrics
- \* will fit at the end of disc 1

## Appendix II

KVHW

Friday, October 16, 1998

Wetlands Preserve

New York, NY

Source: B & K 4010 > HHb PDR 1000; 15' back,  
dead center by Seth Breidbart. DAT @ 44.1 kHz  
provided by Paul Beichert and JJ Clifton.

Conversion: Fostex D-5 > Audio Magic Presto II  
(AES/EBU, XLR >&>) > Zefiro ZA2 > Soundforge 5.0  
> CDWav 1.71 > SHNv3 by Tom Watkins.  
Please report any problems to <trwatkins@cox.net>

### Disc 1

#### Set I

t01 crowd/tuning  
t02 Why Cant We All Just Samba?  
t03 Poonk >  
t04 Cissy Strut >  
t05 Poonk  
t06 Shotgun House  
t07 Hillbillies On PCP  
t08 City Of Tiny Lites

### Disc 2

#### Set II

t01 crowd/tuning  
t02 Spring Water  
t03 Point Of No Return  
t04 You're The One \*  
t05 Illinois Enema Bandit \*\*

### Disc 3

#### Set II cont'd.

t01 Slumber  
t02 It's Impossible \*

#### Encore

t03 crowd/tuning  
t04 Bad Hair

\* with Grant Green Jr.

\*\* 1st Time Played

#### Personnel:

Steve Kimock - Guitars

Bobby Vega - Bass

Alan Hertz - Drums

Ray White - Vocals/Guitar

### Appendix III

#### **Charlie Hunter's Taping Policy**<sup>65</sup>

First off, I really appreciate that there is so much interest in taping us live and think that on the whole it's a really positive thing for everybody. The only things I am not into are:

1. people bugging us for a board tape, (this is not really a good representation of how we sound and would rather not have it circulated).
2. people making too much of a production of taping and bothering us, the sound person, the rest of the club employees, and other people who come to the show.

All we want to do is play the best gig possible and have a great time. If you want to tape and trade with friends, feel free, we support that. Just don't sell them. There is a history of people ripping off musicians through illegal bootlegs and none of us want to be a victim of that. We trust that the intentions of tapers is for trading and documentation. We don't recoup on record sales as it is . And please be discreet when doing it.

The last request I have is that if taping occurs, a DAT or CD-R be sent to me at this address:

Charlie Hunter Online  
348 Chestnut Street  
San Francisco, CA 94133

I appreciate all your support and hope to see you all on the road!

Charlie Hunter

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<sup>65</sup> Charlie Hunter, Taping Policy, Available: <http://www.charliehunter.com/setlists/tapingpolicy.html>, 17 Apr. 2005.

## Appendix IV

### 311 Taping Policy<sup>66</sup>

311 will allow audience taping at 311 headline shows on their upcoming summer tour. This is for audio taping only. Video taping is NOT allowed. Taping is not allowed at festival shows including radio festivals and city festivals. Performances by opening acts will be governed by that artist's policy on audio taping. Please do not tape the opening acts performances unless you are 100% certain that they allow audience taping. If you do not know that artist's policy then you should assume that they do not allow taping. For the summer amphitheatre shows, taping will only be allowed in the lawn. You will not require a specific "taper ticket" - you will simply need a lawn ticket. For the indoor arena/theater shows, if the floor is general admission and the stands or balcony are reserved, taping will be allowed at the back of the GA floor. In these situations, in order to tape, you must hold a general admission floor ticket. Those who wish to tape are allowed to bring ONE small audio recording deck and ONE microphone stand/pair of microphones into the venue; additional equipment (or over-sized equipment) will not be permitted. Anyone found taping in violation of the above policy will be removed from the venue and unauthorized recordings will be confiscated.

The enjoyment of the audience in attendance at a concert always takes precedence over taper's recording efforts. This means that at no time should tapers ever require other patrons to be quiet or otherwise interfere with their enjoyment of the show. Please respect your fellow 311 fans.

All taping must be for personal use only, which may include trading (via analog or digital tape, CD, or digital file transfer). Recordings may be traded only for an equivalent amount of similar media (cassettes or CDs, pre-recorded or blank). Live recordings must not be sold. Regardless of any expenses incurred, NO MONEY MAY EVER BE EXCHANGED AS PART OF A TRADE; however, stamped, self-addressed envelopes may be included with blank media. In addition, the media by which audio trading is publicized may not be commercialized. Therefore newsletters, web sites, clubs, or any other communication forum facilitating audio trading cannot accept advertising, offer links for compensation, exploit databases compiled from their traffic, or otherwise derive any commercial proceeds in any form. A statement of compliance with this policy must be clearly posted on all web sites engaged in trading activity.

Notwithstanding the above, 311 reserves the right to require immediate removal of any unreleased 311 material. And in no case may any officially-released 311 recording (live or studio albums) be duplicated or otherwise traded or offered - this would be a violation of copyright and intellectual property laws and would be subject to criminal prosecution.

Audience taping at 311 concerts is authorized for non-commercial purposes only. Unauthorized sale, duplication and/or distribution is strictly forbidden. All 311 performances and recordings are the exclusive property of 311. All rights reserved. The privileges to record 311 performances set forth in this policy constitute an express, revocable license. We reserve the right to withdraw our sanction of recording, tape trading, and/or non-commercial digital audio file transfers on a case specific basis or in general, as we deem necessary. No waiver of any copyright or trademark right is intended.

If you become aware of any person or site in violation of this policy, please inform 311 management, Your efforts to help in this area - will allow us to maintain an authorized and organized taping policy for future 311 tours. Thanks and enjoy the shows!

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<sup>66</sup> 311 Taping Policy, Available: [http://www.311.com/html/news\\_taping\\_policy.html](http://www.311.com/html/news_taping_policy.html), 17 Apr. 2005.

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