

October 1987

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Let Us Now Praise Famous Men

If you get a letter or even phone call from Benjamin Franklin, don't leap to the conclusion that somebody's putting you on. Benjamin Franklin V is a professor of English literature — or more precisely, American literature — at the University of South Carolina. He is also an informed jazz scholar who writes for *Bebop and Beyond* and *Coda*. And he does a jazz show that is heard throughout the Southeast on the National Public Radio system.

Recently my wife and I were the house guests of Ben and his wife Jo when I sang in the service conducted by Pope John Paul II in the university's Williams-Brice Stadium in Columbia, S.C. — two of the songs for the album I wrote based on his poems. I had been fascinated by Ben's name ever since it turned up on the list of subscribers, and when I asked him about it in letters, he conspicuously did not answer. And small wonder, really. The name's been a bit of a burden since his childhood. When I finally confronted him with the question face to face, he said that family tradition held that the line was indeed descended from *the* Ben Franklin. Considering the original Ben Franklin's noted taste for the ladies, he may have thousands of descendants scattered among the American populace. How many descendants does J.S. Bach have, given that he had twenty kids in wedlock and in view of such potency, not to mention interest in the sport, could have had that many more outside of it? In any case, since Ben and Jo have only two daughters, now of marriageable age, the name stops right there, and none of *his* descendants will spend childhoods tormented by such taunts as, "Why don't you go fly a kite?"

Ben is a tall and very slim man with a wry sense of humor. He and his wife are from Ohio. She is a Taft, one of *the* Tafts. He is one of *the* Hoovers. Both of them are liberal Democrats. Jo said the first time she pulled the lever as a Democrat, she pictured her ancestors turning in their graves.

At the end of a delightful week at their home, I gave Ben a copy of the *Jazzletter's* full subscription list, knowing how useful it would be to him as writer, researcher and broadcaster. He's the only person I've ever permitted to have it, for the good reason that it contains too many famous names who do not wish to have their privacy violated. But then, Ben Franklin's a pretty famous name too. This is why you shouldn't be surprised if you get a note from him. He's not some nut.

As the *Jazzletter* is about to enter its seventh year, I have decided to print the full subscription list for the last time. It's growing too long and takes up too much space. Perhaps in future we'll take a look at it every two or three years. There is no longer a question about continuing the *Jazzletter*. I'm now looking ahead three years.

There is a certain value in examining this list. It tells us who we are. We look it over and realize that there are these other people who share our interests. And even in many instances where you don't recognize the names, they are attached to some people of

distinguished achievement in their own fields, such as Paul Maslansky and Tom Luddy in the movie biz. A lot of the readers are in broadcasting, and where possible I have noted their station affiliations. Doctors are conspicuously numerous in the list. There are a good many people in academic pursuits of various kinds, at least one anthropologist, several graphic artists, and even an actor or two, suggesting that my actor friend Michael Parks may be overstating the case just a little when with malicious glee he quotes Sir Laurence Olivier as saying, "You cannot give brain transplants to actors."

The list itself has created a sense of community. Old friends have been put in touch with each other, and it has even generated gigs for people. And it has spread in a curious way. Noting that Red Mitchell was not on the list, Phil Woods bought him a gift subscription a Christmas or two ago. Red in turn bought gift subscriptions for others. (An essay by Red on, among other things, why he has lived for the last twenty years in Sweden, will be in a near-future issue.)

From the beginning, I have wanted the *Jazzletter* to be a reflection of the show business world and the music profession in particular from the inside. That is why I have loved working on the manuscripts of Bill Crow, Steve Allen, Grover Sales — who at one point was Lenny Bruce's publicist; I'm beating on him to do us a piece about Lenny — Bobby Scott, and all the other gifted contributors. But it has its pitfalls. Do you remember that Nichols and May routine where he is a talk-show host and she is a dingaling name-dropping actress who refers to "one of my dearest friends" Albert Schweitzer as Al?

One reader last year got upset by the JL and declined to renew, sending an infuriated and deeply disturbed note saying he was sick and tired of reading, "I said to Louis and Louis said to me, and I said to the Pope and the Pope said to me," and so on. But Benny really did say these things to or in front of Bill Crow and Pres really did say these things to Bobby Scott. But that's what this thing is for: to get this stuff on paper while those of us who were personal witnesses are still vertical. As for me, I met Louis once and only briefly. And, only thanks to Ben Franklin, who was responsible for my invitation to South Carolina, I finally met the Pope. And what did I say to the Pope? Not a word. I certainly didn't say, "Hey, man, have you seen a royalty statement lately on our songs?" I just stood in the line as we were presented to him, along with Macdonald Carey, Richard Thomas, Jane Wyatt, Bonita Granville, Martina Arroyo, and the basketball star Alex English, and kissed his hand, as everyone did. I think we were all very moved. What did he say? Not much. "Bless you," as I recall. He said that to everybody.

But, what the hell, if you're going to name drop, *do* it. Stand right up and call Albert Schweitzer Al. Or refer to Dizzy as Birks. Or if you want to be really hip, talk about Zoot Sims as Jack. Though I think it would be pushing things too far to refer to Gene Kelly as Eugene C.

I'm about to drop a bunch of names on you. And many of those you don't recognize are famous in their fields; we're too square about those other fields to know them.

Ben Franklin was amazed at this list as he looked it over on his

kitchen table. A couple of times he said, "Is that the real So-and-So?" "Yep," I said, and finally, "The Ray Charles on the list is the arranger and choral director. And Leonard Bernstein is an attorney and jazz scholar who broadcasts on one of the NPR stations in California, Alan Watts is not the writer, and I don't know whether Howard Johnson owns any restaurants. But otherwise all the people are who they seem to be, there are no ringers on the list."

"There's one other," Ben said. "Benjamin Franklin."

Herewith the list.

John Abbott, Michael Abene, A. Abukoff, Mariano F. Accardi, Robert G. Ackerman, Harlan Adamcik, Johnny Adams, Giacomo Agostini, Steve Alcalá, Howard Alden, Eleanore Aldrich, Jeff Alexander, Craig Allen (KERA), Steve Allen, James W. Allen, David Allyn, Alternate and Independent Study Program (Toronto), Bill Angel, Michael Anthony, Alfred Appel Jr, Ted Arenson, Bruce R. Armstrong, Jim Armstrong, Tex Arnold, Kenny Ascher, Don Asher, Ken Ashley, George Avakian, Hy Averback, Heman B. Averill,

Jean Bach, James R. Bailey, Joseph A. Bailey, Bob Bain, Charles Baker (Kent State University School of Music), Paul Baker, Robert Baker, Bill Ballentine, Whitney Balliett (*The New Yorker*), Julius Banas, Jim Barker, Robert H. Barnes, Charlie Barnet, Shira Barnett, Jeff Barr, E.M. Barto Jr, John Basile, John Baxter (KSOR), Randolph Bean, Shirley J. Beaty, Jack Beckerman, Robert Bednar, Bruce B. Bee, Lori Bell, Malcolm Bell Jr, Carroll J. Bellis MD FACS, William M. Bellows, Mr. and Mrs. Mike Benedict, Arden Bennett, Don Bennett, Myron Bennett, Dick Bentley, Stephen Berens MD, Alan and Marilyn Bergman, James L. Berkowitz, Sheldon L. Berman, Leonard Bernstein, Bill Berry, Charles Berry, Gene Bertocini, Beverly Hills Library, Dan Bied, Fred Binkley, R.L. Blackmore, Les Block, Cass Blodgett, Norm Blowers, Kenneth Blum, Paul Bobkowski, Dick Bock, Clarence Borns, Charles E. Bloomquist, Harald Bohne, James A. Boitos (Illinois State University), Francy Boland, David Bondelevitch, Harry Boon (CKKS-FM), Frank and Kay Borkowski, Tracy Borst, Peter Boulton, Michael Bourne (WBGO), Bob Bowers, Jack Bradley, Michael Bradley, Brad Brakke, Larry Bram (Tri-C JazzFest), Tom Brannan, John Bransfield, Leon Breeden, Mark C. Brennan, Teresa Brewer, Robert Bridges, Bernard Brightman (Stash Records), Richard Brill MD, British Library Department of Books, British Institute of Jazz Studies, Alan Broadbent, Broadmoor Jazz Club, Pope Brock (*Gentlemen's Quarterly*), Steve Brockway, Peter M. Brooks, C. Robert Brown, Don Brown, Jim and Mary Brown, John C. Brown, Les Brown, Michael Brown, Paul Browne, Darius Brubeck, Dave Brubeck, Rosemary Bryan, H.M. Bryant, George H. Buck Jr, Dick Buckley (WBEZ-WAIT), Leonard Bukowski, Larry Bunker, Kenn Burchell, Brian Burke MD, James Butler, Mary Butterill (CAPAC), Dan H. Byars, Richard P. Byrnes, Norman D. Byron,

John P. Callanan, Jay Cameron, James Campbell, Royce Campbell, Gigi Campi, Edgar Cantwell, Frank Capp, Armand Caputi, John F. Carroll, Mark S. Carroll, Benny Carter, Mike Carubia, Kenneth J. Caruso, Oscar Castro-Neves, Donald R. Caughey, Diamond Centofanti, Jules Chaikin, Russell A. Cheever, Helen O'Connell Chamales, Leland H. Chambers, John K. Chance, Mrs. Schuyler Chapin, Lorna Chapman, Saul Chapman, Thomas A. Chapman, Emile Charlap, Ray Charles, Russell B. Chase, Enrique Vecino Chavert, L. Blake Cheney, Peter Chilver, Robert J. Chinello, Dorothy R. Chmela, John J. Christensen, Bob Church, Cincinnati Public Library, Homer D. Clark, James A. Clark, Natalie Clark, Donald Clarke, Paul Clatworthy, Peter Clayton (BBC), Michael Clinco, Steve Clover,

Al Cobine, Kent Cohea, Frederic S. Cohen, Robert P. Cohen, Robert Cohlmeier, John Coleman MD, Jim Coleman, James Lincoln Collier, Joyce Collins, Chris Colombi (Cleveland *Plain Dealer*), Howard Colson (BMI), Columbia College Library, Tom Colwell, Richard Conger, Luke G. Conely III, Arthur L. Connell, Bob Connolly, D. Hugh Connolly, Willis Conover, Lin Cook, Robert A. Cook, William L. Cook, David Cooper, Lou Cooper, Marie Corbin, Owen Cordle (Raleigh *News and Observer*), Dale I. Corning, Natalie Corning, Jack Cortner, Diane Cosgrove, John Coulson, Roger Crane, Edgar D. Crilly, Bill Crow, Doug Cumming, J. Bryan Cumming, Nancy Curtis (KAOS),

R.H. Dallas, Meredith d'Ambrosio, William R. Damm, Stanley Dance, John Danch, Roger Dancz (Department of Bands, School of Music, University of Georgia), George E. Danforth, Charles Bud Dant, Lynn Darroch (*Jazzscene*), Mark Daterman, Bill Davis, Wild Bill Davison, Daybreak Express Records, Rusty Dedrick, Buddy DeFranco, Blair Deiermann, Rene de Knight, Ron Della Chiesa (WGBH), Arthur J.R. Denis, Joe Derise, Dick Dennis, Vince DeRosa, Roger DeShon, John Dever, Harvey Diamond, Eddie Dimond, Samuel H. Dibert, Richard DiCarlo, Dick Dickinson (WIAN), Bob Dietsche, Barbara Dill, Gene DiNovi, Victor DiNovi, Ed Dix, Michael Dixey, William Dixon, Len Dobbin (Montreal *Gazette*), Joe Dodge, Steve Dokken, Chuck Domanico, Arthur Domaschensz, Jane Donahue, Bob Dorough, Ed Dougherty, Pete Douglas, Hermie Dressel, Len Dresslar, Kenny Drew, Ray Drummond, Henry Duckham (Oberlin College Conservatory), R.H. Duffield, Larry Dunlap, Marilyn Dunlap, Stan Dunn (KJAZ), Brian Duran, Eddie Duran, Mike Dutton (KCBX).

Charles Eakin (Music Dept, University of Colorado, Boulder), Wendell Echols, Harry Edison, Jim Edison, Rachel Elkind-Tourre, Jack Elliott, Herb Ellis, Jim Ellison, Jack Ellsworth (WLIM), Matt Elmore (KCBX FM), Gene Elzy (WJR), Eric S. Emory, Ralph Enriquez, Dewey Erney, Barbara Essex, Ray Eubanks (Capital University Conservatory of Music), Gil Evans, Prof. Tom Everett (Harvard University),

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Notice

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Walter Zacharius, Antonio Zamora (Purdue University Black Cultural Center), Denny Zeitlin MD, Alan Zolnekoff, Marshall J. Zucker, Michael Zwerin.

Letters of the Month

I really appreciate the article on broadcasters and record labels in the September issue. I don't necessarily appreciate being grouped with other National Public Radio stations, although we are members, because more and more these stations are doing what you said — going down the commercial radio let's-all-sound-the-same path. And that entails not giving the names of labels or players.

In my experience, listeners do pay attention to the music, artist, and label information. And even if they don't, they don't mind hearing those things if they are read clearly and concisely. Our listeners practically demand that we tell them who, what, and where. This goes for all music at KGNU, not just jazz. This has been one of those unstated policies ever since we went on the air — to give at least the basic information. I feel that it comes out of respect for everyone taking part in the recording process, the music *and* the label. The fact that we are a small station means we have to be good to the label in order to keep up the service that we so appreciate. We're small but we try harder — and it pays off. We have gained the respect, in return, of some very interesting record labels who are as happy to service us as we are them. Why? Listener appreciation of what we do in the form of sometimes inquiries, sometimes sales — but always recognition. (I heard it on KGNU.)

Most commercial stations maintain that they have to have the ratings for advertising for revenue to pay for a very expensive medium. Granted. But when the only driving force behind programming, besides electricity, is money, we end up with what we hear on such stations, bland same risklessness. Unfortunately this goes for more and more what you call NPR stations — trying to build an audience for background music, and hoping it translates into pledges.

Maybe it is weird for a radio station to care, really care, for its listeners — for their musical education, for their personal tastes, for their information. It's not quite as weird for a listener to really care about his or her favorite radio station. We know listeners tend to be loyal; but we know too that a two-way relationship is the only one that lasts.

I wish you luck with your boycott of the thoughtless ones and hope that the small independent labels always have a place to be heard — and heard of.

— Paul Metters, music director, KGNU

Not a day passes but my mail from listeners around the country questions, "Where can I get that record you played on such-and-such station at such-and-such times? What label is it on? What

store has it?"

This in spite of my long-standing rule to *always* mention the label, along with the title of the tune, the performing group, and the soloists. Only when it is a standard and constantly available piece like Artie Shaw's *Begin the Beguine* or Woody Herman's *Woodchopper's Ball* do I violate that policy.

Your *Name that Label* piece moves me to expand on my feelings about plugging the label — and also mention some problems with it. As a frequent guest on my *Swing Thing* show, you know that from time to time I record a feature called *Welcome Additions*, during which I review new releases in the jazz, big-band, and quality vocal areas. I include reissues, too, and, lately, digitally-remastered releases. I go still further: I often travel to the performers to record interviews with them, dealing with the new material. When Mel Torme and Rob McConnell and the Boss Brass got together for Concord Jazz, Mel and I spent an hour or two talking about the performances, the reasons for the music choices, the overall concept, and the people involved. It led to a three-hour show, when the music was included.

Les Brown's new *50th Anniversary Jazz Album* led me to Les's home and a most pleasant and lengthy interview, keyed to the new Fantasy release. When Book of the Month released some of Artie Shaw's last small-group recordings from 1954, Artie and I talked at length. And, again, a three-hour feature evolved. The artists involved are almost always receptive to informed interviews of this kind, and it is a pity that so few broadcasters go to the trouble of taking advantage of this. I insist on face-to-face sessions, but most stations approve of telephone interviews, and they are even easier to set up.

On the other hand, few broadcaster personalities or program directors know how to reach the artists! Calls to the right stations from promotion people or artists themselves would surely help.

Mentioning labels on my show — which includes more than 2,400 hours already recorded and new ones all the time — leads to some problems. Labels have a way of disappearing as fast as they appear, sometimes, I think, even faster. In the case of small labels, I often give even addresses, knowing few stores will carry the product. In six months the address may be obsolete and the label defunct. That drives listeners crazy and I certainly do hear about it from them.

Further: major labels rarely keep product in the catalogue for long. RCA's Bluebird reissues by Barnet, Berigan, Shaw, Dorsey, and others have been allowed to vanish, except for the always popular Glenn Miller series. Columbia no longer includes the three-record Gene Krupa set, three important Duke Ellington sets, and has phased out most of John Hammond's series (great, wonderfully produced sets) on Billie Holiday, John Kirby, Count Basie, and so many others. I called Capitol to try to get some Ella Mae Morse records. They sent me a current catalogue. Ella Mae was cut out, of course, along with Goodman, James, Gray, Brown, and all other artists who would interest my listeners, except for Sinatra. The switch to CD is accelerating this process.

There are rare exceptions to the quickly declining interest on the part of minor and major labels in jazz and big bands. One is Fantasy, which you have written about. Another is Concord Jazz. I drove to Concord to interview owner Carl Jefferson and give him some credit for his superb product, which radiates excellence from cover to liner notes to the content and the material of which his pressings are made. Gene Norman, another interviewee, has done much to keep his catalogue alive. In New York, Bernard Brightman at Stash and Bob Thiele at Doctor Jazz keep turning out fine stuff. If you talk about fusion or ultra-contemporary blues, it's a much brighter picture. And of

course, let's not forget Blue Note and MCA's recent Impulse reissues. Blue Note is wonderfully aggressive in their promotion, although much of their material is a little too far off mainstream for some audiences.

It is not as simple as mentioning the labels. But I do urge my fellow broadcasters to do exactly that nonetheless and hope for a little more stability in an industry not famous for that quality.

— Fred Hall, Ojai, California

Fred Hall (PO Box 711, Ojai CA 93023) is host of the syndicated radio show Swing Thing, which is heard on about fifty radio stations. He should be on everybody's mailing list. In accordance with Fred's suggestion, I extend to any broadcaster the offer to put him or her in touch with any artist whose name is on the subscription list, for possible interviews.

Fred's program, which emphasizes the big-band era but by no means is limited to it, is very hip. Fred requested that if I said anything about him, I mention the fact that he named the Jazzletter. We were having lunch seven years ago. I threw the idea out to him. He said, "Call it the Jazzletter, one word." And I did. "I'm rather proud of naming it," he said the other day.

Pertinent to this whole discussion, Fred's Swing Thing has been running on WJJD in Chicago. The station announced that it was dropping it. The hue and cry was immediate and large, with 4,000 people signing a petition to restore it to the station, and a campaign of writing letters of protest to both the station's management and the Federal Communications Commission.

More About Radio

Back in the mid-1950s, when FM was coming in, broadcasters — already under criticism for their growing commercialization — put out a snow job that FM would be the medium of good music, while they continued to exude crap on AM. Some hope. The FM medium has now become as trashy as AM. I hardly ever listen to radio, even in the car, preferring — when I am about to make a trip — to gather up some good tapes. It is impossible to say how many people do this. Radio has lost them as an audience. What Arbitron does not reveal is how many people do not listen to the radio at all. The great lost audience.

And the growing tendency in NPR stations that Paul Metters discusses is going to increase the size of that lost audience.

After FM got trashed, NPR and in television the Public Broadcasting System were supposed to offer us our great cultural hope. *TV Guide* recently ran an excellent article on what is wrong with PBS, which is plenty. Anybody who saw the dreadful bungled tribute to Tommy Dorsey — the camera revealed all too clearly the embarrassment of Mel Torme and Jack Jones over their participation in this travesty — knows how badly PBS can botch a job, and jazz would be better off if they didn't do such shows at all. If any young person watched that show and decided they didn't like that-there well-now corny big-band kind of music, I couldn't blame them. The show was as garish as any flapdoodle job done on commercial television, the writing was awful, and the playing of the band under Buddy Morrow's direction positively stunk. But more than that, PBS wastes staggering sums of money, sometimes on the perks of its executives, as the *TV Guide* article revealed, and as some unhappy PBS personnel will tell you, though not for attribution.

We have Hobson's choice. When money is the sole motive for broadcasting, we get the almost complete corruption of the medium that characterizes commercial radio and TV. But when the personnel is shielded from the need for reasonable fiscal practice, you get vast waste and an effete precious kind of

broadcasting that one encounters in, for example, the Canadian Broadcasting Corporation, which through most of its history has been dominated by a small clique of artsy-craftsies answerable to no one, neither the government, the people, nor even the canons of good taste. The CBC is dumb. It has been lambasted for years by newspaper critics, but it never changes. It doesn't have to.

NPR stations are not directly comparable. They are not assured of millions of dollars from the tax payers, as the CBC is in Canada, and the BBC is in England. The United States, in its infinite cultural short-sightedness, does not finance a major national broadcasting system from national tax revenues and then keep government hands off. The British and the Swedes have pulled off this difficult disciplined trick, although recent scandals have left the BBC looking not quite so Lancelot-pure as it once did. The French predictably have not: the fine hand of government is subtly detectable on Radiodiffusion-Télévision Française.

The American NPR stations are out there on their own, always making their pledge drives for public contributions, always telling you that they stand for the best in culture, always praising their own role as the alternative to commercial radio and television.

Oscar Treadwell of WGUC, an NPR station, who is one of the best-informed, most beautifully spoken, and articulate of all jazz disc jockeys, has pointed out that when it comes to those pledge drives, the name of the game is numbers: the bigger the audience the more pledges, and the more the stations can claim they are providing a "needed" public service. And the better the car the station's manager can drive. (Oscar's address is 779 Sunderland Drive, Cincinnati OH 45230.)

Our small experience of putting out the album I wrote for Sarah Vaughan based on poems of the pope has given me a crash course in radio and in record distribution. Recently a listener in Los Angeles heard the album on KCRW, which is an NPR station in Santa Monica. He tried to find it in the stores, and couldn't. Why?

The grim fact is this. A small company simply cannot afford to tie up huge sums of money in inventory that sits in record-store shelves for months and then maybe gets shipped back — some of it warped or otherwise damaged and therefore a total loss. What the average person does not understand about record distribution is that stores do not buy records from their manufacturers, they borrow them, and then, if they manage to sell them, pay a comparatively small percentage to the distributor who may or may not give an honest count to the record company. The theft along the line in the record business is staggering. This is the reason why Charlie Lourie decided to set up his excellent Mosaic label of reissues entirely by mail order, a risky venture I have tried to help in whatever way I can. He may not sell as many records, but he doesn't have to tie up those sums in inventory that sits out there in stores on consignment, and at least he gets the retail, which permits him to make some of the finest pressings in the current record industry.

Record stores are different from all other retail businesses, with the exception of book stores. Imagine it this way. Your local supermarket fails to sell all the lettuce and tomatoes and cucumbers it ordered. The stuff goes stale and then bad on the shelves. But the store takes no loss. It simply ships the whole soggy megalad back to the grower, who takes the loss. And the sour milk goes back to the farmer, who tries with desperate futility to figure out how to put it back into the cow. What would happen to the food supply if its distribution system operated that way? Well, that's how the record and book businesses operate. That is how we manage the business of disseminating our culture.

Is it any wonder the American culture is in the condition it is? The U.S. is forty-sixth among nations in literacy, with something like twenty percent of its population unable to read, and apparently a large number of those who can read incapable of understanding what they do read. You need only consider how educational budgets have been slashed by the Reagan administration and what commercial broadcasting has done to the American mind, all those vacuous kids walking blank-eyed down the streets with their little headsets mainlining homogenated sludge into their brains. Recently I lectured to a freshman class in arranging at a southern university, kids just up from high school. I mentioned Fletcher Henderson, Don Redman, and Duke Ellington in the course of the talk, to no discernible effect. It was disconcerting. Afterwards the head of that course told me I shouldn't feel badly about it: it's just that the kids had never heard of any of those people. But of course. And one of the reasons is that radio broadcasters don't give them that information. And the school system certainly doesn't.

But musicians, don't feel too bad. As you've probably read, a recent survey showed that a substantial proportion of American high-school kids couldn't place Columbus's journey to America within two hundred years and the Civil War within half a century. Artie Shaw told me the other day about reading of a questionnaire in which some high-school kid said a biography was a book about a man and an autobiography was a book about his car. No wonder they'd never heard of Fletcher Henderson.

To get back to the earlier point, that's why the KCRW listener couldn't find the Sarah Vaughan album in stores. It isn't in stores. So he called the station to ask where he could get it, and whoever he spoke to at KCRW refused to tell him, although our address is on the album jacket. Then, by coincidence, he saw a story about the album by Tony Gieske in the Los Angeles *Herald Examiner* which contained our address. He phoned us and bought thirty copies of the album to give as Christmas presents. Don Freeman of the San Diego *Union* also published our address, resulting in fifteen more sales. So you see there is no policy about giving out such information on newspapers, at least on those two papers, whereas there is such a policy on both commercial radio stations such as KKKO and increasingly on NPR stations. (Don's address is 350 Camino de la Reina, San Diego CA 92108. He's a real jazz lover, and writes one of the most literate columns in contemporary newspaper journalism. Tony writes frequently about jazz for the *Herald-Examiner*. His address is Herald Editorial, 1111 S. Broadway, Los Angeles CA 90015.)

KRML in Carmel, California, is an excellent station that is good to musicians and to independent companies, and if you don't already have them on your list, I'd suggest you add the names of Alan P. Schultz, 2100 St. Andrew's Road, Half Moon Bay CA 94019, the station's vice president, and Johnny Adams, 209 Crest Road Route 1, Carmel CA 93923, its well-known jazz d.j.

KRML is a commercial station, so as you can see, the line is not drawn between commercial and non-commercial stations. On the contrary, it serves to show how faint that line is becoming.

Needless to say, I would go far out of my way for KRML, but I would no longer give KCRW the time of day. Note: the exception at that station is Will Thornbury, a jazz d.j. in a class with Oscar Treadwell and others of that stature. And Will keeps his jazz collection at home anyway, rather than expose the records to the abuse and even theft to which they are subject in station libraries. His address is 2622 34th Street, Santa Monica CA 90405.

As you know, radio does not pay a penny to the performer for playing his or her record, nor does it pay the record company. It pays only the composer and lyricist and publisher of the music

through fees to BMI and ASCAP — and it has been trying in the courts and currently in the Congress, as you will see in the following story, to reduce even further the small percentage of revenues it now pays for that music. In the case of NPR stations, which do not have commercial “revenues” and are non-profit operations, and so pay nothing at all for music — neither to composers nor to performers.

You will not, however, find the station managers declining to accept salaries, though a lot of on-air personnel do the work for nothing, for the love of music. Nor for that matter do the public utilities, including the electrical companies, supply them with their services for free. Such stations, which use music to attract an audience from which they beg donations to pay their salaries and claim to be supporters and benefactors of the “arts” and “culture”, but do not pay either the composer or the performer, and finally refuse the small service of providing the information that helps the listener buy the record to provide the money that permits the artist to make another record that the station will then get free, can be called only one thing:

Parasites.

Parasites on the very culture they claim to be championing.

The policy is stupefyingly short-sighted, bad for music, bad for the American culture as a whole, and even bad for the stations themselves.

I'd like to hear from people at radio stations who share KGNU's philosophy and policy. I will pass their names along to record labels and artists to improve the flow of albums for airplay. I would like to hear from readers about stations who don't provide such information in order that we can at least interdict the flow of free albums.

The people I have named are not the only good souls in broadcasting. I have accumulated a nice little list of them — and of good newspaper people too. I will be happy to provide it to anyone who has use for it.

We have cause to be grateful to them — all those people like Paul Metters at KGNU (the address is PO Box 885, Boulder CO 80306), Alan Schultz, Johnny Adams, Oscar Treadwell, Will Thornbury, Ben Franklin (Department of English, University of South Carolina, Columbia SC 29208), and Fred Hall. They do the profession of music good and the profession of broadcasting honor.

Do you want bad news or good news? Too bad. There is no good news. Just more bad news. Namely:

A Threat to the Arts

In their determination to pay as little as possible for music, the broadcasters have come up with their slickest scheme to date.

This new threat to American music comes in the form of House of Representatives Bill 1195 and Senate Bill S 698.

The bill is designed to shift the licensing of music used in syndicated television programs from the broadcasters to the producers. The phrase for this process is “licensing at source.” It would seem to be a small administrative change. It isn't. It calls into question the very concept of intellectual property and is the first step toward the eventual refusal of broadcasters to pay anything at all for the use of music. If that bill is passed, it will be the beginning of the end of the principle of copyright in America. American artists dependent on large audiences and repeated use of their materials, which primarily means writers and musicians, will not be able to make a living from their work. This will stifle the arts in America as the budding creators of the future turn away from such pursuits as hopelessly unprofitable. It will cut America off culturally from the rest of the civilized world, and

drag the intellectual standards of the country even lower than they already are.

For the full background on this story, I refer you to the *Jazzletter* of April, 1984, *The Road to Gadgets*.

It is necessary to consider at this point how a composer earns a living and how the two main collection agencies, BMI and ASCAP, enter into the process. A composer receives three forms of royalty. 1. Money from sales of sheet music copies of his songs. It is now an almost negligible part of a songwriter's income. 2. Mechanical royalties from sales of recordings. The current rate is 4.25 cents per song, paid by a record company to the publishers of songs and shared with the writers. 3. Performance royalties. This is what is at stake

The two collection main organizations, BMI and ASCAP, permit station to play music licensed through them. They in turn pay composers, lyricists, and publishers according to the frequency with which a song is played. This process is called “blanket licensing”.

In the early 1970s, CBS filed an antitrust action against BMI and ASCAP and their members and affiliates. CBS claimed that blanket licensing is illegal price fixing, an unlawful tying arrangement, a concerted refusal to deal, and misuse of copyright. A district court ruled against CBS, which appealed the case. The Court of Appeals ruled for CBS, and the case then went to the Supreme Court, which overturned the Court of Appeals and reversed its judgment.

CBS had lost, but another case eventuated from their suit, a class action in behalf of approximately 800 independent television stations.

The issue was the music in television shows. Television stations broadcasting movies and syndicated shows must pay the composers, through ASCAP or BMI, as well as the publishers, for the music in them — separately from the rental fees for the shows. These payments come out of the annual fees paid by the stations to BMI and ASCAP. The TV stations demanded “clearance at the source”, a phrase meaning that fees for the use of the music would be included in the rental costs from Warner Communications, Mary Tyler Moore Productions, or whomever.

A Federal District judge ruled for the television stations, but was overturned in the appellate court. The broadcasters' next move was the bill that is now before Congress, the “licensing at source” bill.

The bill is a sophistic restatement of the principle that the composers should be paid — by someone else. The bill would require the producer of syndicated TV shows to pay the composer up front, and that's it. When the broadcasters buy a television show, they want the music costs to be included in the price.

And that seems fair enough, doesn't it? No, it isn't. And for two primary reasons: 1. Nobody knows the monetary worth of a piece of music until it has been exposed to the public; and 2. the precedent would open a crack in the copyright principle that the broadcasters will surely try to widen until they end up paying nothing at all for the music they play, in radio or television.

Opposition to the bill has come in fact from many and sometimes surprising sources. Walter Annenberg, publisher of *TV Guide*, wrote one of the clearest indictments of the bill. He asserted that the present blanket-license system is “certainly the most cost efficient and easily administered system.” He wrote:

“The courts have ruled that the blanket license is legal. The amount of the blanket fee, incidentally, has been negotiated downward from 2.5 percent of a station's revenue in 1949 to the present less than one percent.

“Under the (new bill), the stations would not be required to pay

performance-license fees for the music in the syndicated programs and commercials they buy and that payment would have to be assumed by the producers of programs. As for the background music in their news shows and local originations, the stations would negotiate with the composers and publishers to arrive at a license fee. Certainly administering such a system would be a nightmare. It also would be unfair to producers of syndicated shows, who are among the biggest risk-takers in the television business and can hardly stand the additional burden of paying for performance rights on programs that might not succeed. They feel they should continue paying their relatively small one-time

'synchronization' fees because they are not 'performing' the music, merely 'recording' it.

"What the stations were unable to win via the courts, they now seek to win from Congress with a bill that could be disastrous for the songwriters. . . .

"It is evident that the proposed unwarranted and unfair legislation would harm those who write the music heard on television and the producers who invest in programs in the hope that they will succeed. It would be unconscionable for the Congress to go along with this attempt to exploit the talents of some of the most creative members of our society."

Maybe it would be unconscionable, but that doesn't mean they won't do it.

How do senators and congressmen get elected?

Through that self-same CBS network that filed the antitrust case against ASCAP in the 1970s. Through those 800-odd local and independent stations that give candidates the requisite exposure to Jerry and Mary America out there, those just plain folks who rarely read a newspaper and don't understand one when they do and never inform themselves on issues but do indeed cast ballots. And if the local station doesn't like you, Mr. Congressman — and if you don't support S 698-HR 1195, it won't — it's liable to run editorials supporting your opponent. Or just give him more air time. Or run pictures showing him smiling and friendly as opposed to shots of you that catch you unshaven as you get off a plane, or with a finger in your ear, or just plain tired, or with a dopey expression on your face.

And the broadcasters know they have this power. Lyricist Marilyn Bergman, who has made numerous trips to Washington to present the case against this bill, says that many senators and congressmen have told her and other representatives of the writing fraternity, "Privately, I agree with you, and I'll vote against the bill, but I don't dare say anything publicly because of the stations back home." But will they vote against the bill? In saying they will, are they just embarrassed at being caught with their integrity down?

That's how it works. The broadcasters *knew* how much clout they carried with the Congress, and they have been using it to get enacted into a law something the courts have repeatedly ruled is wrong.

You can't even count on your local newspaper to oppose this bill. Too many of them own television and radio stations.

Whatever the broadcasters might save if the bill were passed, the ultimate loser will be the United States of America. And not just culturally.

The United States, through short-sighted business and government policies, is falling frighteningly behind the rest of the world. Its steel mills are rusting away, its farmers are losing their lands, its banks are in shaky condition because of huge loans made to third-world countries when small American entrepreneurs couldn't get the wherewithal to start up a new enterprise, its automobile industry is being out-competed, its consumer electronic industry is being clobbered by the Japanese,

the Russians embarrassingly outshone the U.S. at this year's Paris air show, foreigners are buying up American real estate that Americans can no longer afford, the economic center of the world has shifted from New York to Tokyo, the national debt has been tripled, and the balance of payments is a disaster. But there is one thing the U.S. does export: music. Millions of dollars worth of it.

If S 698-HR 1195 goes through, foreign performing rights societies such as PRO in England, SACEM in France, and GEMA in Germany, will have no choice but to retaliate. They will cut down and possibly in time cease collections of airplay money for American composers, lyricists, and publishers. For if the American societies cannot collect money for foreign composers, lyricists and publishers, why should the foreign societies collect for Americans? The extent of their response cannot at this time be estimated; they do not know yet themselves what it will be. Even if American music does get played on foreign radio and television, its American creators won't get paid for it, or will get paid substantially less. And if foreign broadcasting systems actually cease playing American music on the air, American records — being unexposed in these other countries — will cease to sell abroad. This will reduce the income of American record manufacturers, and, at the end of the line, the mechanical royalties paid to the creators and publishers of music. Thus the licensing-at-source bill can worsen the balance-of-payments problem of the United States.

Indeed, the new bill, if passed, would amount to a cultural suicide note from the United States to the rest of the civilized musical world. All other countries recognize the rights of the composer to make a living from his music — and to assign the collection of his broadcast money to an appropriate performing rights society. GEMA has just substantially increased broadcast royalties to composers in Germany, which benefits American composers and publishers whose music gets played on German radio and television, and some increases have been approved by the Canadian government — at the very time the National Association of Broadcasters and its minions in the Senate and House of Representatives are trying to cut them down and eventually out in the USA.

The irony is that if they succeed, so little music will be written or recorded in America that they will have to turn to using foreign music — putting us right back where we were a hundred years ago. If S 698-HR 1195 passes, the U.S. might as well start thinking about resigning from the copyright union and assuming the bandit posture for which it so long castigated the Soviet Union.

Furthermore, this iniquitous bill represents something absolutely unprecedented in American law. It would allow the buyer of a product, the broadcasting industry, to dictate to the manufacturer and vendor of a product, namely the composers and publishers, the terms of the purchase. This is, aside from anything else, appallingly bad law.

The bill is an almost inconceivable piece of skullduggery, an end run by a historically unscrupulous industry to circumvent the judgment and intent of the courts, the rights of the composer and ultimately all artists, and indeed in the long run the rights of the public.

For the moment, action on the bill seems to have been slowed. It may not come up until some time next year, by which time the country will be in the throes of its bizarre quadrennial election rite, which could stall it over into 1989. But you should know about it, for every time one head of the hydra is cut off — as in the court ruling on the Buffalo case — another grows in its place, and the issue is not going to go away.

Stay tuned.