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THE INTERNATIONAL NEWSWEEKLY OF MUSIC, VIDEO AND HOME ENTERTAINMENT

JANUARY 22, 1994

Kristin Hersh Pairs Bright And Dark On Sire Solo Set

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Labels Put New Spin On Indie Promo

Many Eye BDS Data For Payment Plans

■ BY ERIC BOEHLERT

NEW YORK—In a movement that could change the way record companies do business with independent promoters, several labels are developing new payment plans based on the number of spins a song receives at a station, rather than station reports on new adds.

Promotion executives say the movement is fueled by the growing importance of rotation information provided by Billboard sister company Broadcast Data Systems, which monitors the number of times new songs are spun at stations in the top 110 U.S. markets.

No longer content to track which stations are spinning their new singles, record companies now can use BDS data to learn how many times a record is played and at what time of day those spins occur. The new payment programs would better reflect the clout of actual plays as well as introduce a higher standard of accountability for indie promoters. Promoters generally are hired to supplement the labels' own efforts to gain radio airplay.

The plans under consideration at certain labels could affect the top 40, rock, country, and urban formats. Currently, top 40 independent promoters work on a pay-per-add basis. Typically they receive about $700 per major-market add and $300-$400 for each medium-sized market gain. Rock, country, and urban promoters are paid weekly flat fees for their services.

For top 40 indie promotion, the movement afoot would set minimum-spin standards for singles to qualify as adds. For instance, Butch Waugh, senior VP of promotion at RCA, sent out a memo late last month informing top 40 independent promoters that to be credited by RCA for work-

(Continued on page 87)

Video Execs Weigh Impact Of Viacom/Blockbuster Deal

■ BY SETH GOLDSTEIN

NEW YORK—Video retailers, considered slowpokes on the information superhighway, are being left as road kill in the wake of Viacom's announcement that it had agreed to acquire Blockbuster Entertainment for $8.4 billion. Blockbuster, in turn, would commit $1.25 billion to the war chest Viacom has accumulated in the dogfight with QVC Network over who will acquire Paramount Communications.

It will be weeks or months before either deal is resolved. Meanwhile, the Video Software Dealers Assn. and other home video advocates must formulate their responses to specula-

(Continued on page 88)

Country, R&B Acts Unite For MCA Duets Set

■ BY PETER CRONIN

NASHVILLE—MCA Records is uniting giants of the R&B and country worlds with "Rhythm, Country & Blues," due March 1.

LOVETT

LABELLE

(Continued on page 95)

NARM Blasts RIAA Source-Tag Tests

■ BY PAUL VERNA

NEW YORK—The latest turn in the tortuous road toward standard anti-theft protection of prerecorded music has touched off a new feud between the industry trade groups representing manufacturers and retailers.

In a surprise move, the National Assn. of Recording Merchandisers rejected recent tests of competing electronic-article-surveillance systems conducted by the Recording Industry Assn. of America. The tests determined that the acousto-magnet-

(Continued on page 95)

Friendship Draws Stars To Warner's Mayfield Tribute

■ BY CRAIG ROSEN

LOS ANGELES—It has been said that the best business relationships are based on friendship, and that holds true for artist manager Ron Weisner and veteran singer/songwriter Curtis Mayfield. Their friendship is at the root of "All Men Are Brothers: A Tribute To Curtis Mayfield," a star-studded compilation tentatively due Feb. 15 on Warner Bros. Records.

MAYFIELD

FRANKLIN

The album, which features Eric Clapton, Whitney Houston, Phil Collins, Public Enemy, and Bruce Springsteen, was inspired by a telephone conversation between Weisner and Mayfield. The two have been friends since the early '70s, when Weisner served

(Continued on page 86)

New MTV Campaign Tackles Violence

■ BY DEBORAH RUSSELL

LOS ANGELES—The movement to curb violence in America is coming to MTV next month. The network is launching an anti-violence campaign modeled after its "Choose Or Lose" and "Free Your Mind" promotions.

(Continued on page 95)

Voting Changes Freshen Brit Award Nominations

■ BY THOM DUFFY

LONDON—Younger, dance-oriented artists have nabbed the majority of nominations for this year's Brit Awards, following criticism in recent years that the Brits have been dominated by the the old guard of the U.K. talent scene.

Apache Indian, Jamiroquai, Dina

(Continued on page 86)

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Songwriters

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Tim Burton's
"The Nightmare Before Christmas"
(Original Motion Picture Soundtrack)
Danny Elfman, Producer

BEST SONG WRITTEN SPECIFICALLY FOR A MOTION PICTURE OR FOR TELEVISION

"Friend Like Me"
(From "Aladdin")
Alan Menken & Howard Ashman
Songwriters

"A Whole New World"
(Aladdin's Theme)
(From "Aladdin")
Alan Menken & Tim Rice
Songwriters

BEST SPOKEN WORD ALBUM FOR CHILDREN

"Aladdin Sound & Story Theater"
Ted Kryczko, Producer

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Sam Phillips' Hymns To The Silence

Singer/songwriter Sam Phillips is far-sighted. Artistically, this trait translates into music that conveys a penetrating concern for the fuzzy future. Optically, it means she "can't see up close, I can *only* see things that are distant," a condition for which her art compensates, helping her ascertain "what to leave out or include."

"Martinis And Bikinis" (due March 8), the third in a loose trilogy of witty/wise Virgin albums by the East Hollywood-born Phillips, furthers the uniquely humane vision of this poet of impairment.

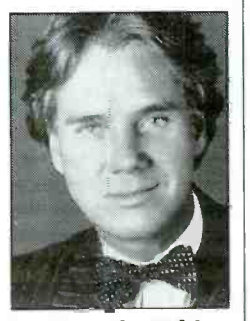
"Music gives shape to something that you can't express," says Phillips, "and I feel that's always been a key to what I've done."

Phillips' two previous records, "The Indescribable Wow" (1988) and "Cruel Inventions" (1991), won strong praise for their ability to explicate the inexplicable. The trepidant spell of tracks like "Holding On To The Earth" and "Raised On Promises" (both featured in the acclaimed film "Ruby In Paradise") was lent pluck by the caustic, lovely surety of Phillips' vocals, her pitch hovering halfway between a bent clarinet and a contrabassoon.

New songs by Phillips like "Same Rain," "Baby I Can't Please You," "Strawberry Road," and the fiercely beautiful "I Need Love" still use the familiar to help name the unknown, the artist employing chamber-music elements (harpsichords, string quartets), plangent Beatles/Yardbirds tokens (treble guitars, backwards-tape sequencings, sitars), and other testimonial touches to depict the personal gaps we must conquer in search of sufficiency.

"I'm a big reader of poetry and writing that has a profound side," says Phillips, "from Thomas Merton, Yeats, and Pablo Neruda to C.S. Lewis, who talks about this inconsolable longing that we all have, this feeling we try to describe as nostalgia or romance. That's what 'Strawberry Road' is about, and it takes its name from an old Iroquois Indian story that says the road to Heaven is paved with strawberries." Her throaty speaking tone teeters into a girlish giggle. "I don't like music that's either too into the head or too into the spirit—it should always have some sensual pull to it. 'Martinis And Bikinis' is just a pseudonym—the real title of the new album is 'I Need Love.' It's the plainest song on the record, and I love it for being so plain. It's an orphan, or something like that."

MUSIC TO MY EARS



by Timothy White

And so, in a purely emotional sense, was Phillips, the second of three children of transplanted Texan Willliam Phillips and the former Peggy Smith, who met and fell in love at Los Angeles High School. Peggy became a medical secretary, and a disillusioned spouse as many of the qualities (athlete, painter) that attracted her to her husband quickly atrophied. Bill Phillips was an accountant by trade and a movie buff by inclination, sharing his film fixation with his daughter (christened Leslie but nicknamed Sam). "We would see these old movies, and he would take me to different places and say, 'This is where they filmed "Gone With The Wind." ' Movies were *his* family. It seemed magical to me when I was young."

But by her teens, her dad's behavior felt claustrophobic. "I began playing music at 14 or 15 as a cathartic thing, because I was having trouble with my parents—who are finally about to break up after letting it drag on too long—and the family was sort of cracked and lying on its side. One of the first songs that I wrote was called 'The Silence,' because my dad would go for weeks, months, sometimes years without speaking! He had an older brother who died when he was very young, and it really made his mother and father bitter, and they completely cut him off instead of embracing him, so my dad had damage that helped create the environment I was raised in: strange, unpleasant and very fragmented.

"So I put this into a song," she adds, "and he saw it on my piano and was shaken, because nobody had ever put that mirror up to him before. It started the process of the whole family looking at what was really going on. To me, that was a big moment."

And even though the precociousness of her prose also put her communication-starved mother on edge, Phillips pressed forward with the new outlet as the family moved from Hollywood to suburban Glendale. "I played my brother Bob's guitar, started investigating beyond top 40 music. We had a library in Glendale where you can check out records, and I found people like Randy Newman who wrote songs off the beaten path."

Phillips' talent and rejection of her chilly Protestant rearing led her to "the counterculture Christian movement in Southern California; it was a reaction at that time to the hippie movement," and also precipitated a recording contract with A&M's gospel crossover label, Word Records. Her considerable reputation as contemporary Christian star Leslie Phillips concluded with "The Turning," a post-orthodox folk epiphany produced by Fort Worth, Texas, troubadour T Bone Burnette, late of Bob Dylan's mid-'70s Rolling Thunder Revue troupe.

The singer's studio mentor guided her to Virgin Records and secular rock'n'roll ("I wanted to explore spirituality, not dispense God propaganda"). Sam's decision to drop her ill-fitting identity as Leslie was a sincere impulse, done without knowledge of the legendary namesake who founded Sun Records in Memphis. (She later met and liked his son when Burnette worked on the soundtrack to the Jerry Lee Lewis/Myra Gale Brown biopic "Great Balls Of Fire.") Burnette and Phillips became a couple and wed, and he has produced her ever since, bringing out the brighter and bolder side of her Lone Star bloodlines.

"It's funny I ended up marrying a Texan," she says, "because my dad really wanted to get out of Amarillo as a boy because of its bleakness, and also the racial bigotry he saw black kids experience that turned his stomach. Nevertheless, I now know there are some great characters in the Phillips' past Texas/Oklahoma ancestry like a great-grandfather who was on the Chautauqua theatrical circuit and an outlaw who made a sheriff dance on a bar at gunpoint!"

As important as the catalyst for any long journey is the quality of one's return. If the mark of truly accomplished artists is the full-circle acceptance of who they discover themselves to be, then Sam Phillips and the stunning trilogy she has completed with "Martinis And Bikinis" must be considered exceptional in every sense. As she bravely declares on "I Need Love": "I need love/Not some sentimental prison/I need God/Not the political church/I need fire/To melt the frozen sea inside me."

Generations onward, when others reflect on the hollows of our faithless age, the work of Phillips, like that of the poets she holds dear, will show that many still sought to improvise virtue after much common evidence of it had evaporated.

"I want to try to make a connection with all the strangers out there," says Phillips, "to be generous in that way and vulnerable, too. Music should be utilitarian but also inspire, helping you see things you can't, or to speak of what words can't say. Thomas Merton said that poetry is to point beyond all objects—into the silence."

THIS WEEK IN BILLBOARD

DYLAN GOES . . . COMMERCIAL?

Discerning viewers of the Jan. 1 Orange Bowl were bowled over when they heard Bob Dylan's classic anthem "The Times They Are A-Changin' " during a commercial for accounting firm Coopers & Lybrand. The spot marks the first time Dylan has allowed his music to be used in advertising. **Page 47**

ACTS BREAK OUT WITH 'RASH'

Those twin towers of adolescent life—alternative music and video games—come together this spring when Electronic Arts bows "Road Rash," incorporating music from such groups as Soundgarden, Paw, and Swervedriver. Marilyn A. Gillen has the story in Billboard's Enter*Active File. **Page 62**

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Commentary

Acts, Labels Must Fight For Perf. Right

■ BY WALLACE COLLINS

There is a fundamental gap in the U.S. copyright law that, with the advent of the electronic information superhighway and home supermedia centers, could have a profoundly negative effect on record industry revenue streams. The future of home entertainment technology is fast approaching as headlines herald "mega-mergers" between and among cable, computer, electronics, telecommunications and entertainment conglomerates. Unfortunately, copyright legislation is not keeping pace with these rapid developments.

There are two bills currently languishing in Congress that could close this gap and grant copyright owners of sound recordings the exclusive right to control the digital transmission of their works. Record companies and recording artists would be well-advised to act now and lobby fiercely to get such legislation passed, or risk the loss of vast amounts of income in the not-too-distant future.

Copyright owners of every type of copyrighted work except sound recordings enjoy, among their rights, the exclusive right to authorize the public performance of their copyrighted work. Songwriters and publishers receive compensation for radio and television broadcasts, since musical compositions, unlike sound recordings, have a public performance right. However, when a song is played on the radio or television, the singers and musicians who perform the song, the producer, and the record company whose creative and technical contributions and financial investment made the recording possible have no right either to control or to receive compensation for the broadcast performance of their work.

The chairman of the House Judiciary Subcommittee on Intellectual Property, Rep. William Hughes (D-N.J.), introduced a bill early last summer, H.R. 2576, that would provide for a performance right for sound recordings.

Although there has always been opposition to such legislation by the broadcast industry, there has been additional opposition in this case from music publishers and the performing rights societies, because these parties fear that the House bill would grant record companies and performers too much control and make their rights subordinate. However, the Senate version of the bill, S. 1421, sponsored by senators Dianne Feinstein (D-Calif.) and Orrin Hatch (R-Utah), has additional language that should appease music publishing interests by better protecting existing performance rights. The Senate bill explicitly states that protections and new royalties paid to sound recording copyright owners should not be taken into account in setting performance royalty rates for musical compositions.

It is imperative that some compromise be reached among the competing interests in order to secure a performance right for sound recordings as soon as possible. Otherwise, the continued rapid development of high technology and the eventual electronic distribution of music could deprive recording artists and record companies access to millions of dollars in revenue.

In the future, barriers will continue to come down between telephone companies, cable TV, and video programming companies. The development of digital fiber-optic networks will provide consumers with more choices and easier access to hundreds of channels, as well as electronic home delivery of audio and video programs. Most troublesome is the fact that digital technology will make it possible for the consumer to make a virtually identical copy of any audio transmission, royalty-free.

'There is no justification for not paying those who bring the music to life'

Wallace Collins is an attorney specializing in entertainment and intellectual property law.

Record companies and artists increasingly will find their products being transmitted and sold by way of cable networks or via computer modems, and yet will be precluded from collecting any revenue because such transmissions arguably will be deemed "broadcasts." New types of high-quality music services, some of which are already operating in an environment outside of record company control, charge monthly fees to subscribers to deliver CD-quality sound to customers in their homes. Even though these new broadcast and cable companies transmit record company product to consumers for their own commercial gain, they have no clear obligation either to secure record company permission or to compensate the label or the artist for the commercial use they make of the copyrighted works.

One apparent way to circumvent this problem would be for each major record label to develop its own cable TV channel that would allow viewers to order albums and other music related products directly. Then, for example, the label could charge the consumer a retail price equivalent for the transmission of a particular album.

Although such a solution has its obvious benefits, there is a downside. Operation of such a venture could prove to be costly and burdensome for a record label. In addition, there would still be nothing preventing a cable operator unaffiliated with a particular artist's label from establishing its own competing home-shopping music cable network, then undercutting the prices offered by the artist's source label. In fact, it would be fairly easy for such an unaffiliated competitor to offer the transmission of a particular artist's album at a lower price because it does not have to bear the record company's financial investment in recording costs. Since the competitor would argue that it is merely broadcasting the product, not selling copies, the artist and its label could be without legal recourse. The competitor would be liable only for performance royalties which, at this point, are not payable on the sound recording.

It is important that the U.S. copyright law be modernized to accommodate the new communications technologies and computer-driven consumption, as well as the next wave of technological developments that is sure to follow. It is fundamental to our system of copyright and intellectual property law that those who exploit another's copyrighted work for their own gain be required to obtain authorization and compensate the owner for its use. The broadcasting industry understands this concept: It already pays performance royalties for the creative contributions of songwriters and music publishers. There is no plausible justification for their not paying the recording artist and the record company that brings the music to life.

LETTERS

EDITORIAL INSPIRATION

The editorial "Culture, Violence And The Cult Of The Unrepentant Rogue" (Billboard, Dec. 25, 1993) is the most sincere and inspiring bit of literature that I have *ever* read in Billboard. It deserves a Pulitzer. This article could, hopefully, set the stage for a long-ignored set of values in the American journalism and broadcast arenas, as well as in our own music industry.

Tim Hurst
Promotion Mgr.
Cincinnati Mrkt.
Reprise Records

NATIONAL ARTISTS NEGLECTED

Your GSA Spotlight (Billboard, Dec. 4, 1993) has contributed to the continuing flow of misinformation concerning airplay for German artists. As mentioned in the last paragraph of the story "Domestic Artists," the record companies are, in fact, selling German product despite the international competition.

You failed to note how much American and English product is released here with no hope of finding an audience, the only reason being the obligation the German subsidiary has to its parent company. The financial resources and work hours could be better spent developing national talent.

Many labels have only a handful of national acts on their rosters. Imagine an American record company with more than 100 releases and only a few by American artists. Furthermore, a large portion of what comes out of the studios is 100% German—the musicians, the engineer, the producer, the singer, even the song. But with an eye on the international market, the finished product is English. A good example is the BMG Ariola single "Wish You Were Here," from Stone & Stone.

Also, I think you misquoted Ms. Hamer in your article "German Talent." Radio NRW was playing the record for more than 16 weeks.

Jeff van Gelder
Music director
Radio NRW GmbH

Billboard responds: As the introduction to the Spotlight noted, the German media's reception to German product has started to improve. Biggi Hamer's quote is correct, and reflects her frustration with what she sees as radio's "wait and see" attitude.

Articles and letters appearing on this page serve as a forum for the expression of views of general interest. The opinions offered here are not necessarily those of Billboard or its management. Letters should be submitted to the Letters Editor. Commentaries should be submitted to Commentary Editor Susan Nunziata, Billboard, 1515 Broadway, New York, N.Y. 10036.

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