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Reviews

Larry Wacholtz. *Monetizing Entertainment: An Insider's Handbook for Careers in the Entertainment & Music Industry*. Beverly Schneller (editor). New York: Routledge, 2017. www.routledge.com

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Monetizing Entertainment: An Insider's Handbook for Careers in the Entertainment & Music Industry is a complete text suitable for any overview of the music and entertainment industry class. The book is 600 pages including appendices and was edited by Beverly Schneller. Most institutions involved with such programs organize their curricula around an overview class of this type serving as the beginning point of a journey leading to more in-depth study as the student progresses. The book is thorough, which is one of its strengths, and begins with a fairly lengthy chapter dealing with the history of the last twenty years in the entertainment industry, explaining and commenting on how the digital revolution changed the game. Understanding that piece gives important context to moving forward, particularly as it pertains to the monetization of assets, or even the identification of monetizable assets. Because of its overarching thoroughness, it is a good fit for these types of classes.

The section on copyright law, chapter three, *The Rules of the Game*, is particularly informative and useful to the novice or layperson regarding the matter of copyright law. There are a number of helpful graphs and charts that students may find enlightening while sorting out some of the complexities.

Wacholtz provides a wealth of information on the business of recording and recording studios in chapter seven, *Recording Lightning in a Bottle*. For the beginner, with no previous knowledge of how recordings are made, what the actual cost is, and the unions and other organizations involved, this is an outstanding foundation to understanding the process.

The book does bridge the music business with larger entertainment interests such as film and other media, and discussion of those industries is included across several chapters. Special attention is given to marketing, as one would expect given the theme of monetization and converting the consumption of entertainment to currency.

Wacholtz also does a good job giving background and context on the label business in chapter nine entitled *Odds of the Game*, condensing the history of how six majors became three. This background is important to understanding monetization in a future world. Recordings and the label business have always been the platform for an artist's career, and still are. Otherwise, how else would one hear of new artists without a recording of some kind? However, the ability to monetize recordings has been severely reduced in a streaming world. Indies are given adequate mention in this chapter as well.

It is worth noting that the book is written in the first person which makes it a little unusual for a textbook of this sort. This is neither a strength nor a weakness in my opinion. Some will like the casual approach and personal stories and references. Others may not.

The large book has a number of strengths, and the first is its broad scope and number of topics covered. However, the table of contents is not always helpful in finding topically what one is looking for. Some of the chapters have clever names such as *The Perfect Storm*, *The Significance of Narration*, and *The Rules of the Game*, to name a few, which do not on the surface, speak to what one would find there. That said, within the chapters, topics are organized well with headers making finding information easier once one is in the appropriate chapter. The appendix section of the text is eighty pages long. It contains numerous sample contracts and agreements and is quite good. This is really helpful and can be a great classroom resource. The book contains a large number of graphs and charts, and most are helpful and easily understood. There were a few that were perhaps a little arcane for an overview book of this sort. There is one in the introduction section which is quite extensive. But, it is perhaps better to have too much than not enough.

The book is an alternative for any music and entertainment industry educator looking for a survey text other than the standard two or three that are widely available and used extensively. It may be particularly appropriate for those schools that organize their curricula around a series of overview classes.

Robert Garfrerick

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is in the area of creativity, songwriting, and curriculum development. He presents and publishes this research regularly. Additionally, Dr. Garfrerick has been a speaker, presenter, performer, or clinician for groups including The Songwriter's Guild of America (SGA), The Balsam Mountain Songwriter's Camp, Nashville Songwriters Association International (NSAI), and the Music and Entertainment Industry Educators Association (MEIEA). He is a voting member of the National Academy of Recording Arts & Sciences (NARAS), a member of The American Society of Composers, Authors, and Publishers (ASCAP), the Muscle Shoals Music Association (MSMA), and MEIEA.

Sarah Kate Gillespie. *The Early American Daguerreotype: Cross-Currents in Art and Technology*. Cambridge, Massachusetts: The MIT Press, 2016. mitpress.mit.edu

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The early history of photography is a byzantine labyrinth of artistic, entrepreneurial, and technological innovations across multiple continents during the first half of the nineteenth century. Sarah Kate Gillespie's *The Early American Daguerreotype* represents years of study into the American origins of photography, and it makes important contributions to the literature on this complex historical phenomenon. Familiar names such as Samuel F. B. Morse, Mathew B. Brady, and John Adams Whipple appear in the book alongside lesser known figures like John William Draper, Alexander Wolcott, James Chilton, Henry Fitz Jr., and Robert Cornelius. However, Gillespie's conceptualization of the daguerreotype as an intersection of "'fine art,' 'science,' and 'technology'" (p. 3) ultimately yields a more thorough analysis than previous work that has focused on individual achievement and memorable images.

Chapter 1 explores how art, science, and technology were intertwined in the life and career of Samuel Morse. Most remembered today for his invention of telegraphy and the code it used to communicate, Morse actually made his living as one of the most talented portrait painters in early America. While in France promoting his telegraph in 1839, he witnessed first-hand Louis Daguerre's success in permanently affixing an image to a glass plate treated with light sensitive chemicals. He brought this process back to America and continued to perfect it along with collaborators such as Alexander Wolcott and John William Draper. His artist's eye for composition and inventor's approach to improving photographic technology advanced both the aesthetic and technical aspects of daguerreotypy. Yet, such rapid innovation was difficult for the disparate communities Morse was a part of to digest. As Gillespie notes, "The art world was frustrated by Morse's turn to technology and science, and because of his past as an artist the scientific community was mistrustful of his abilities" (p. 52).

Chapter 2 continues exploring the intersection of daguerreotypy and art by conceiving of the daguerreotype as "a new visual medium entering a realm of existing visual media" (p. 57). Gillespie notes that an existing market for fine art prints paved the way for the rapid adoption of daguerreotype portraiture in the 1840s. The profitability of the daguerreotype market was further extended to those operators that could demonstrate the

aesthetic sensibilities of portrait painting. The fine detail produced by the daguerreotype process could render exquisitely clear images, and the most adept daguerreotypists such as Jeremiah Gurney and Mathew Brady were able to command a premium for their images of the American elite.

Chapter 3 asks the question, “In view of the daguerreotype’s extraordinary capabilities and potential, why did American men of science shy away from using it to answer experimental questions?” (p. 111). The answer lies in a lack of systematic, federally subsidized scientific research in Jacksonian America. This often resulted in areas of disciplinary specialization being isolated from advances in other fields. An illustrative exception to this rule, Gillespie suggests, can be found in the career of John William Draper. An early collaborator with Morse, Draper pushed the boundaries of early daguerreotype technology by capturing astronomical images of the moon and solar system. He also made important studies of the chemical processes involved in producing daguerreotype images that greatly improved their quality. This chapter helps to recover the importance of Draper’s contributions to scientific photography that have been overshadowed somewhat by the more well-known work of John Adams Whipple.

Chapter 4 characterizes the evolution of daguerreotype technology as “indicative of nineteenth-century American exceptionalism” (p. 136). Despite the daguerreotype’s clear French origin, American artists and inventors rapidly appropriated the technology. Period trade publications and journalism show deliberate attempts to recast early photography as a quintessentially American innovation. In this way, daguerreotypy became an essential part of an emerging American national identity, and helped to set the stage for the coming mass communication boom at the turn of the twentieth century.

Gillespie’s skill as an art historian is on display in the beautifully curated images that illustrate this book. Her flair for storytelling and economy of language make it an enjoyable read, an admirable achievement for a work on such complex subject matter. Yet, its most important contribution is in advancing the historiography of photography by skillfully weaving elements of social, cultural, and intellectual history into a cohesive narrative that can substantially revise current understandings. Its innovative use of theory can inform a broad spectrum of work in histories of art, science, and mass communication. This book will become a foundational text on the history of early photography, and it should be required reading for courses in art, film, photojournalism, and media history.

Jason Lee Guthrie

JoAnne O'Connell. *The Life and Songs of Stephen Foster: A Revealing Portrait of the Forgotten Man behind "Swanee River," "Beautiful Dreamer," and "My Old Kentucky Home."* Lanham, Maryland: Rowman & Littlefield, 2016. www.rowman.com

<https://doi.org/10.25101/17.8>

JoAnne O'Connell's new book on Stephen Foster is the latest biographical contribution to the literature on one of the most important composers in popular music history. Foster's birth on July 4th, 1826, as cannon fire and military bands heralded the fiftieth anniversary of the nation, has been an irresistible point of departure for all his previous biographers, and interest in his life and music has continued unabated since his death on January 13, 1864 at just 37 years of age. The book's intended contribution to the literature is at once broad, to recover the man whose songs once "swirled around in the recesses of the [American] mind like cultural DNA" (p. xxv), and specific, to revise an understanding of his later career as he "moved out of the antebellum mold and ventured into new and exciting musical styles in the last years of his life" (p. xxxi). In its final chapters, the book has delved more deeply into Foster's later years than previous work. In doing so it has drawn some thought-provoking, if arguable, conclusions from the scant source material available during this period.

Like his previous biographers, O'Connell's efforts are complicated by a relative lack of primary sources in the composer's own hand. Foster's closest family relation, his brother Morrison, burned much of his correspondence soon after his death. Only a handful of Foster's letters have survived. Aside from the news articles commemorating his passing, Morrison became his brother's first biographer when he published a short sketch of his life with a collection of songs in 1896. Morrison's daughter Evelyn Morneweck published a substantial two-volume history of the Foster family in 1944 that reprinted much of the relevant correspondence and journalism. These sources, along with Foster's musical sketchbook, his account ledger, and his songs form the primary basis of Foster scholarship. Other biographers of note include Harold Vincent Milligan (1920), John Tasker Howard (1934 and 1953), William W. Austin (1975 and 1987), and Ken Emerson (1997).

Foster's papers are housed in The Center for American Music at the University of Pittsburgh. The Center is directed by Deane L. Root, who served on O'Connell's doctoral committee as she completed the disserta-

tion that later became this book. Root has long called for a sympathetic revision to the historical memory of Stephen Foster, a memory deeply tainted by the racist content of his most popular songs. O'Connell's book seems to be driven by a similar motive.

However, revising historical memory is difficult to do without evidence. O'Connell herself suggests as much, writing in her introduction, "With Foster, it is best to deal with intentions, rather than with external communications, because he left no formal record of his true feelings on politics" (p. xxvii). The violent and dehumanizing racism against African Americans that is evident in his early songs was not denied. Instead, the book emphasized a seven-year hiatus from the minstrel song genre (known at the time as Ethiopian or plantation melodies), and a return to it only out of financial necessity as evidence of a lack of racist intent. Nuance is emphasized as well, as O'Connell conceded that the lyrics to the second verse of "Oh! Susannah" were "senselessly callous and cruel," but at least "Foster's [African American] protagonist comes across as a human being with feelings" (p. 111). As Foster's supposed evolution was traced further, the author goes so far as to claim, "That Stephen was antislavery in his heart, there is no doubt, but as with many men in 1856, the threat of fraternal bloodshed and national dissolution was perhaps too high a price to pay for the slave's freedom" (p. 213).

Such a statement reveals a contestable theorization about the kind of claims that historical scholarship can make. If Stephen Foster left no record of his deepest thoughts on slavery and race relations, then we simply cannot know what was "in his heart." Certainly, we can trace recorded thoughts in personal correspondence, direct action in business decisions, and consider the context of the period. In some instances, unorthodox source material may present itself.

Foster's final years from 1860-1864 were spent living in poverty near Five Points in lower Manhattan. The only biographical sources from this period come from a handful of acquaintances, some of whom recorded their recollections decades later. To fill in her narrative of Foster's triumphant conversion from a racist past, O'Connell employed the only other evidence available, the songs he wrote during this time. In her own words, "If Stephen's Civil War songs, like his plantation songs, contained messages that accurately reflected his thoughts, they reveal that he became a staunch supporter of the Union and the president once the war began" (p. 255). While it is true that if one is to take Foster's racist lyrics as eviden-

tial one must consider his pro-Union lyrics as well, O'Connell's argument here assumes that song lyrics can be considered as direct evidence of their author's worldview, an assumption that deserves further scrutiny.

Even though the American popular music industry was in its infancy, and indeed Stephen Foster was a key figure in its early growth, popular song in mid-nineteenth-century America was still produced with an economic motivation in mind. There is an apparent contradiction between claiming that Foster composed his war songs "in response to the changing tastes of the people and probably the demands of his publishers..." and asserting later in the same paragraph that "If we accept these [war] songs as an expression of Stephen's wartime loyalties, they provide a key to understanding a politically circumspect man" (p. 251). Certainly, songwriters might write lyrics that both expressed their worldview and appealed to the public's taste, but there is simply not enough evidence available to show that this was true in Stephen Foster's case. If anything, his earlier songs, written before he was aware of their economic value, are arguably more evidential of what was "in his heart" than songs written near the end of his life while he was a transient alcoholic desperate to sell anything his publishers would buy.

The Life and Songs of Stephen Foster has comprehensively presented what evidence there is of Foster's racial conversion, but it ultimately fails to persuade because it does not answer the critique of hypercanonization in Foster scholarship that Jennie Lightweis-Goff has delineated. Indeed, this book is likely to perpetuate that problem. Still, it has shined light on a little understood period of Foster's life. An illumination of his early interest in musical theatre (p. 163-167) paired with a geography of the Bowery theatre scene during the Civil War (p. 270-271; 279-282) are particularly helpful passages. The revision to the importance of Foster's late career songs, considered trivial by nearly all his previous biographers, is an original contribution not only to scholarship on Stephen Foster, but to the history of American music during the Civil War. Yet, as we brace for the glut of scholarship sure to accompany the bicentennial of Foster's birth in 2026 we are still awaiting a book that succeeds in communicating his importance without whitewashing his failures, and that explores how the racism in his most popular songs helped to set a precedent of inequality in American popular culture. If we are to truly understand American music in all its complexity and contradiction, we must not explain away the racism and cultural appropriation inherent in it from its beginnings.

Jason Lee Guthrie



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Shep Gordon. *They Call Me Supermensch: A Backstage Pass To The Amazing Worlds Of Film, Food, And Rock 'N' Roll*. New York: HarperCollins, 2016. www.harpercollins.com.

<https://doi.org/10.25101/17.9>

Mike Myers, known for his characters as varied as Austin Powers, Shrek, Wayne Campbell of *Wayne's World*, and, most recently, Tommy Maitland, host of a revamped *Gong Show* on ABC, released a must-see film for music business educators in 2013 titled *Supermensch: The Legend of Shep Gordon*. In 2016, Gordon followed up on his own with an autobiography playing off the film's title, focusing on that unique term, Supermensch.

What is a supermensch? As described in the book, a supermensch is "someone with honor" (p. 270). Honor and character are big themes in Gordon's story, going all the way back to his days managing Alice Cooper (which started as a band fronted by Vince Furnier, who in later years adopted the band's name to be his own). In those earlier days, when rock

‘n’ roll was just hitting puberty, a manager served every supporting role for his (almost every manager back then was male) artists, from booking shows to handling publicity, to coaching artists on their appearance and stage presence. This should sound familiar to any current day DIY artist/manager. In an early tour with Alice Cooper, the group couldn’t afford to pay for their hotel rooms. They would sneak out and not pay. But Gordon kept track of the hotels they had stiffed and later, when the band was making money, wrote checks to each hotel for the lost fees. That is how to be a mensch, and this mensch, Shep Gordon, teaches many lessons in his book. Here are some of the key takeaways.

The Art of the Coupon

The common understanding of coupons is based upon the discounts we see in Sunday circulars or an email offer we receive from Groupon. Shep Gordon looked at the human side of the coupon.

There was a short period when Gordon was managing Groucho Marx. Groucho, in his eighties and in need of twenty-four-hour care, couldn’t afford the expense. Alice Cooper had befriended Groucho and asked Gordon to look into the Marx brother’s financial affairs. “He had to be wealthy, but nobody seemed to know where the money was” (89). Gordon “weeded out” some people who were getting paid for no purpose and then focused on developing income sources. One successful strategy was to license Groucho’s image for a high-end men’s shop in London. Another one that worked was getting Groucho’s old TV show *You Bet Your Life* back on the air. That took a fair amount of research, planning, and negotiation. It worked.

The third source of revenue came from A&M Records. A live Groucho album had been released and Gordon went to Jerry Moss (the “M” of A&M) to personally ask for an advance to pay for the nursing care Groucho needed. Moss not only agreed, but he wrote “a personal check for a significant amount” on the spot (91). Gordon explains that, due to the generosity of Moss, “Jerry has a coupon with me that goes all the way back to that day. I will gladly pay it back for the rest of my life. I will do anything I can do for him at any time. That’s what a coupon is” (91).

Guilt By Association

Shep Gordon uses his self-dubbed Guilt By Association strategy with true mastery throughout the book. The best example was when he

took on managing Anne Murray. You couldn't find a more white bread, vanilla artist in the 1970s but Gordon loved her music and used Guilt By Association to make her seem cool.

I'd learned two things with Alice: stars aren't born, they're made; and if you put someone with people who are acknowledged to be cool, they become cool by association. (126)

Gordon's plan was to get a picture of Anne Murray with the Hollywood Vampires—a group of rock stars who had formed their own drinking club. Members included Alice Cooper, Keith Moon of the Who, Micky Dolenz of the Monkees, Harry Nilsson, and John Lennon. Gordon spoke to Cooper, who allowed the manager to pitch the club. On his knees, Gordon begged the stars to show up at Murray's next gig and take one picture with her. They said yes.

The impact of the image was powerful. Murray was interviewed in *Rolling Stone*, *People*, and *Time*. She graced the covers of several magazines (remember, this is pre-internet when magazines still held sway over music fans). Ultimately, the strategy got Murray to appear on the television show that had been her personal goal, NBC's *Midnight Special*. When Murray's single, "Danny's Song," was released the next month, it reached the top ten. Gordon writes:

The experiment had worked. The same principles of management I had used for Alice worked for Anne Murray. Let the games begin! After this, I went on to manage dozens of great artists in a wide array of musical genres—from George Clinton and Parliament-Funkadelic to the Manhattan Transfer, to King Sunny Adé, to Rick James, and on and on. Lucky me! (128-129)

A Manager's Work—Whatever That Is—Is Never Done

Gordon offers some great textbook, and non-textbook, anecdotes about the work an artist manager needs to perform in order to be successful. He describes the obvious tasks. Turn to pages 104 and 105 and you'll see an excellent description of what a manager is supposed to do, especial-

ly in the early days of a band. Gordon and a partner would drive the truck, load and unload the equipment, and also collect the money due the band. He dealt with the record company, worked with producers and agents and publicity personnel. "It was constant, all-consuming work," Gordon writes. However hard the band worked, "I worked ten times harder" (104).

Gordon tells stories about the psychology of a manager. He writes about dealing with city councils that were afraid to have Alice Cooper play in their towns. He writes about his efforts to sway the original Alice Cooper band members not to break up, and he explains how he dealt with egocentric stars like Luther Vandross and Teddy Pendergrass. The Pendergrass section is especially important to absorb (pages 183-203). Readers discover how Gordon dealt with a man at the top of his game, the paralyzing accident that almost killed Pendergrass, and the artist's triumphant return at Live Aid.

It all starts with the end, the goal. I always tell my clients
the real value in me is that I can get a year ahead of you,
see where there's a pothole in our road, and figure out
how you don't fall into it. That's what I do. (98)

Gordon also writes about the not-so-obvious tasks of a manager. In 1975, Gordon set up Alice Cooper to perform a show at Lake Tahoe. This type of venue wasn't normal for a theatrical rock performer at the time, so Gordon arranged for a group of celebrities to fly out and see the show. One of the celebrities was a German Shepherd named Won Ton Ton (the dog had been in a recent film). Gordon reserved a front row table for the dog, including a water bowl. However, security reached out before the show to complain. Gordon explained that he'd cleared the dog's presence with the hotel management. Security explained that the dog was all right, but the canine's trainer was completely sloshed and throwing up in the lobby. "I had to get the hotel to find two dogsitters to be with Won Ton Ton during the show. Add to my manager's resume: Obtains dogsitters" (141).

There's also dealing with the problems many artists go through. In the late-1970s, Alice Cooper was arguably one of the biggest stars in the world. "But there was still one dark cloud. All through this period, Alice's drinking got worse and worse" (143). Gordon staged an intervention with Cooper's wife, which led Cooper to a clinic where he stayed for two months. "He came out clean and sober," writes Gordon, "and stayed that

way for a couple of years before falling again as hard and far as before” (143). Gordon would have to wait for Cooper to hit rock bottom before finally getting his client truly sober.

Don't Get Mad. Accomplish Your Goal

Often, Shep Gordon writes about setting goals in *They Call Me Supermensch*. “I had always grown by setting myself new challenges. Stretching is how you grow. That’s always been my method. If you can see the goal, no matter how distant it might seem at the start, it makes it easier to start creating the path to it” (249).

I know my strengths and weaknesses. I’m not a great organizational guy. I don’t have a great attention span. I’m a very poor administrator, and I’m a horrible executive. But I’m fantastic at launching the rocket ship. It’s what I do best. I sit and smoke a joint and think, wouldn’t it be amazing if...And then I start figuring out how to pull it off. (270)

That’s exactly how Gordon was able to work out the arrangements for the vinyl of Alice Cooper’s 1972 album, *School’s Out*, to come wrapped in women’s panties. Cooper’s label, Warner Bros., had said no to the panties idea. It was too expensive. Undeterred, Gordon negotiated directly with a production company that created album jackets and was looking for an in with the label but had been blocked by one particular Warner executive. Gordon blackmailed the Warner Music exec, who was renting a house from a rival production company (a conflict of interest), into agreeing for the less expensive company to manufacture the LPs wrapped in panties. Then, Gordon worked with a press contact to create a false story that the panties were flammable, thus infuriating parents—and giving kids more reasons to buy Cooper’s recordings. Gordon considered this work his *modus operandi*: “creating history instead of waiting for it to happen” (97). He tops off the story stating:

Once I had a path to my goal, I didn’t let anything or anyone deter me from following it...Because it’s not like you just snap your fingers and things happen. It’s hours of work. It’s waking up earlier...not allowing distractions to

deter you, and then working your ass off to reach the goal you set yourself. (97)

Supermensch

By the time Gordon manages the careers of celebrity chefs, like Emeril Lagasse, he has not only proven over and over again that he's a *supermensch*, but he's chosen to work with others who reflect his own attitude. When Lagasse is pushed by the William Morris Agency to drop his handshake agreement with Gordon, the chef asks what he should do. Gordon says, "We shook hands. We're fifty-fifty partners. You do what you want to do. You want to cut me out, cut me out. I'm not going to sue you. You do what you gotta do. You gotta live with yourself" (270). Lagasse thinks it over and eventually tells WMA to forget it. Shep is his partner. Gordon clearly appreciates this. "That's a *supermensch*. That's someone with honor" (270).

It is highly recommended that music business educators assign both the *Supermensch* movie and book to their classes (in that order). While students may find some of the artists dated (Cooper, Pendergrass), the lessons are still current today.

Ten Shep Gordon Lessons To Share With Classes

- Coupons
- What a manager does
- Guilt by association
- Don't get mad, accomplish your goal
- Get the money
- Build a massive network—it's all about connections!
- An artist WILL cancel a show—and you have to fix that
- Contracts vs. handshakes
- The value of creativity
- Transferring skills from one industry (music) to another (celebrity chefs)

David Philp

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He runs the *Music Biz 101* website for the WPU Music & Entertainment Industries program and co-hosts with Dr. Stephen Marcone *Music*



Biz 101 & More, a weekly radio show on WP 88.7: Brave New Radio. Philp and Marcone are also co-authors of *Managing Your Band – 6th Edition*. Philp teaches about music royalty streams, social media, and entrepreneurship at WPU. He is also the music director at the Wayne United Methodist Church and Chief Organizer Guy of YouChoose Music, a live music events production company that raises oodles of big dollars for great non-profits. He has one wife and two children, all of whom are left-handed.

Mary E. Donnelly (with Moira McCormick). *Boys Don't Lie: A History of Shoes*. Vestal, New York: Pure Pop Press, 2013.

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The mere fact that a pair of authors dedicated substantial time and effort to pen the definitive biography of a power-pop rock band—whose albums and singles never attained massive popularity, and whose name is relatively unknown to the vast majority of current rock music audiences after forty-plus years in the business—is impressive enough. However, what makes *Boys Don't Lie: A History of Shoes* doubly impressive is that authors Mary E. Donnelly and Moira McCormick actually penned nearly five hundred pages of acute detail, colorful recollection, and deep, if not occasionally idiosyncratic insights on the Zion, Illinois-based quartet Shoes, who were consistently critically lauded, but ultimately not considered a major-label sales success. Simply put, it is an incredibly thorough and exhaustive review of a music career spanning over four decades, of a rock band whose grasp at widespread national fame was seemingly one elusive step away.

A true, do-it-yourself, independently operated outfit from the start, Shoes entered the music industry in the mid-1970s the only way they knew how—by learning on the job and making their fair share of mistakes along the way. Their unsophisticated Midwestern ways afforded them a certain charm and innocence, while simultaneously shielding them from the showy, big city music business trappings of Los Angeles, New York, or even close-by Chicago. The core songwriters of the outfit, brothers John and Jeff Murphy plus Gary Klebe, didn't initially have access to (or the funds for) recording studios or professional equipment. Instead, entire albums were tracked in diminutive, converted garages, guitars were plugged straight into recording consoles, and the band took to the task of self-engineering (and self-releasing) many of their releases. All their perseverance and patience eventually paid off, after Shoes landed its record deal with Elektra, which netted them substantial budgets and instant access to high-quality studios, top-name producers, live performance opportunities, equipment upgrades, and that desirable possibility of musical celebrity.

However, the story twists into a somewhat familiar tale of bands that don't "make it," for various reasons, and Shoes, despite the major label promises and payments, do not take hold as a household name, and the aforementioned opportunities for lasting popularity eventually diminish.

Album after album is recorded with well-regarded personnel at the helm in professional facilities—all via Elektra’s funding—and each time, it is done with the hopes of finally breaking through as a major label commercial success. Shoes’ videos even received airtime on a then-fledgling cable television network, MTV, whose name had not yet had the market penetration to define an entire generation of music fans.

But, the book reveals the many holes in the support system of each attempt at becoming the “next big thing,” from missed opportunities, to misleading advice, to bad timing (especially paralleling the downturn in popularity of similar-sounding, yet far more popular power-pop artists of the era). After an uneven career ride throughout the early 1980s, Shoes eventually exited the big leagues not just intact, but wiser, opting to re-establish a comfortable niche in the independent music scene by building their own studio and managing their own record label, Black Vinyl Records. (To this day, Shoes still maintains its label’s catalog and occasionally performs live.)

What makes *Boys Don’t Lie: A History of Shoes* remarkably interesting is the sheer breadth of the story it tells. Donnelly and McCormick set the stage with background on Zion, gingerly strolling through the lives of the Murphys and Klebe (and, eventually, drummer Skip Meyer, whose tenure included Shoes’ major label stint). And once Shoes is formed and tracking its debut release, no story is ostensibly left unmentioned, personal or professional. Even distinctive technical aspects of recording sessions are provided; model numbers of analog tape machines used on sessions are mentioned, unconventional methods of tracking are revealed, and types of guitar cabinets used are not missed. Plus, the conversations with various record label personnel are recalled, often with clarity and robust verbal imagery (including Shoes’ interactions with Kiss bassist Gene Simmons, who had apparently taken an interest in the band for his imprint, Simmons Records; Shoes did not eventually sign to his label).

Boys Don’t Lie: A History of Shoes is not merely a story about a rock band from Illinois that could’ve been. In fact, one could excise many of the direct Shoes references from the text and still find that it’s a fascinating expository account on how the music industry operated (and still operates to this day, to some extent), how the do-it-yourself spirit that permeates contemporary artists’ bedroom tracking sessions on laptops has a direct lineage to the reel-to-reel recordings made in living rooms decades ago, and how challenging it is for a musical artist to succeed on a grand, com-

mercial scale, despite the well-intentioned guidance and finances of a major label. While there are many points in the narrative where one would likely want to listen to a song or album presently under discussion for closer reference—thus making the book a true page-turner for the devoted Shoes fan, whose access to the band’s entire seventeen-album discography is within arm’s reach—*Boys Don’t Lie: A History of Shoes* is nonetheless an absorbing read on a rock band’s history and journey of the rollercoaster ride that is oftentimes known as the music industry.

Waleed Rashidi



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Brand X, *Alternative Press*, *Orange County Register*, *Modern Drummer*, *E! Online*, and *OC Weekly*. Rashidi has contributed to five books, including *Punkademics* and *The Drummer: 100 Years of Rhythmic Power and Invention*. He teaches several courses at CSUF including Introduction to Entertainment and Tourism Studies, Event Planning and Management, and Music Entertainment Industry Studies. Rashidi earned his doctorate in Education from the University of La Verne, an MA in Communications from CSUF, and a BS in Communication-Journalism from Cal Poly Pomona.

Amber Nicole Shavers. *The Little Book of Music Law*. Chicago: American Bar Association, 2013. <https://shop.americanbar.org/ebus/Store.aspx>.

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The Little Book of Music Law is part of the American Bar Association's (ABA) "collection of absurd, hilarious, and sometimes instructive cases on the pastimes and passions of lawyers. Each [Little Book] focuses on a separate topic..." As of this review, there are twenty topics covered by the various Little Book's, including *The Little Book of Movie Law* and *The Little Book of Elvis Law*. In general, the ABA's Little Books do not specifically target lawyers as their primary audience. According to the ABA website, *The Little Book of Music Law*, "is for anyone interested in working in the music business, having a better understanding of it, or just enjoying an intriguing glimpse of it. It is for the casual observer as well as the industry insider." As author Amber Nicole Shavers further states in the introduction, "[This text] is written as an entertaining approach to music law. Although it is fact based, it is not a textbook... Rather, its purpose is to provide insight into music law along with a glimpse into the stories behind the music" (p. xi). Music industry educators will find *The Little Book of Music Law* beneficial because Shavers recounts many landmark cases that profoundly affected the business of music by writing accessible prose that avoids legalese and jargon.

Organized into five parts, each section of the book covers an approximately twenty-year span. At the center of most chapters, which Shavers refers to as "tracks," is a case related to the music industry. Cases such as *White-Smith Music Publishing Co. v. Apollo Co.* (1908), *Bright Tunes Music v. Harrisongs Music* (1976), *Campbell v. Acuff-Rose Music* (1994), and others are likely well-known to the readers of this journal. The author also chronicles less publicly well-known cases such as *Baron v. Leo Feist, Inc.* (1949) that involved copyright claims over the popular calypso song "Rum and Coca-Cola," and *Kirby v. Sega of America, Inc.* (2006) that claimed the video game manufacturer misappropriated the identity of Lady Miss Kier (Kierin Kirby) of the group Deee-Lite. There are eight interludes such as "The Emergence of the Teen Idol" and "The Rise and Fall of a Boy-Band Impresario" woven between the twenty-one total "tracks." Although the coverage is broad in terms of subject matter, the cases ad-

dressed mostly deal with rock 'n' roll, R&B, or rap/hip-hop; the book does not include any cases directly related to classical or country music.

The text also includes an Introduction, Prelude, Finale (the last two terms, as the author mentions, are borrowed from “large musical works”), a brief Glossary, and endnotes. *The Little Book of Music Law* also includes “playlists” that “should provide a flavor of the variety of popular music over the decades” (333). Including playlists is a novel idea as they offer a starting point for readers unfamiliar with the music of a particular era. Shavers compiles the lists alphabetically (by act) to correspond with the sections of the book: 1900s-1930s, 1940s-1950s, etc., but she unfortunately does not include release dates for (or the importance of) any of the selected tracks. So “School’s Out” (1972) by Alice Cooper is first, while “My Girl” (1964) by The Temptations is last on the 1960s-1970s list.

The Little Book of Music Law contains several standout chapters. One such chapter chronicles the life and inventions of Edwin H. Armstrong—“the man who is considered by some to be to radio what Thomas Edison was to the light bulb [but who] remains largely unknown” (52). Armstrong is the person primarily responsible for developing the regeneration circuit, the technology that made FM radio possible. Although this chapter is not related to any specific court case, Shavers recounts how the dissemination of this technology was “frustrated by the bruised egos of [Armstrong’s] competitors, [the] betrayal of a former close friend and ally, long-lasting legal battles, and ultimately Armstrong’s tragic death” (52). The telling of Armstrong’s story by Shavers is cinematic. FM radio is now ubiquitous, and the spreading of the AOR format across the airwaves during the late 1960s and early 70s would not have been possible without Armstrong’s inventions and his dogged determination.

“What Monopoly? Radio Music Licensing Battles and the ASCAP ‘Boycott’ of 1941,” Track 5, chronicles the power struggles and legal fights that ultimately gave rise to BMI and the consent decrees entered into with the U.S. Government by both PROs. This chapter, paired with a previous “track” that describes ASCAP’s origins and its early legal battles, would make a good addition to any course unit on publishing or licensing.

Track 8 narrates the music industry’s long history of engaging in payola, concluding with the downfall of its most famous participant, Alan Freed. Although the term payola is modern, the practice of “pay to play” was well established by the late nineteenth century, and it became rampant in the 1950s (110). Hearings conducted in 1958 by the Subcommittee

on Legislative Oversight of the U.S. House of Representatives into the \$64,000 *Question* scandal opened the doors to investigate “other questionable practices within the broadcast industry” (114). Freed, who “never explicitly stated that he engaged in payola,” eventually “pleaded guilty to two of the ninety-nine counts of commercial bribery and was assessed a fine” (115-116). Shavers reflects on the double-edged nature of this common mid-1950s practice by remarking that on one hand payola provided wealthy labels an advantage over smaller labels, but on the other hand, “rock ’n’ roll may never have received the wide exposure it did without payola” (115).

Track 11, “When the Manager Takes All,” provides a cautionary tale by reminding all bands that even the Rolling Stones were susceptible to shady business deals. This chapter describes Allen Klein’s, let’s just say, “unique” business dealings with the Stones. It is likely most fans are unaware that the pre-1971 music catalog of “the world’s greatest rock ’n’ roll band” is owned by ABKCO, a company owned by Klein. In his autobiography, Keith Richards summed up the band’s experience with their former manager stating, “Allen Klein made us and screwed us at the same time” (Shavers, 159).

Current U.S. Copyright law does not recognize moral rights for musicians. In her “Interlude: Reimagining Copyright—A Moral Rights Opportunity,” Shavers argues that, “The availability of moral rights in the United States could be a positive step for the rights of musicians. It would provide a level of protection for their work even if they did not retain the copyright” (208). Considering the increasing “unauthorized” uses of music by political campaigns, for example, moral rights “would provide a means for the artist, [particularly someone who assigned copyright in exchange for a record deal], to continue to have approval rights over the use of his or her music” (207).

Track 19, “Does Protecting the Band Mean Protecting the Brand? The Doors in the Twenty-First Century,” offers insights into the wrangling for control of a band’s legacy long after the music is over. The popularity of the Doors has far surpassed their relatively short career. Much of their music remains a radio staple, and images of Jim Morrison, the band’s iconic singer who died in 1971, are still reproduced on posters and t-shirts. The original four members of the band entered into and amended various partnerships during the 1960s that included the use of the name the Doors. The three remaining members entered into a new partnership after Morrison’s

death. (Morrison's and his girlfriend's family controlled the singer's estate.) Over the succeeding years, major corporations had sought the Doors' music for their advertising campaigns, but the "remaining members had seemingly been able to manage their catalog successfully and protect the integrity of [their] brand" (266). The feeling of "brotherhood" dissipated during the early 2000s after a sanctioned one-off concert led to a tour that used the Doors name by two of the three remaining members. Multiple lawsuits ensued. What began in the mid-1960s as a "band of brothers," ended in drawn-out court battles during the 2000s. "The battle over the Doors' name," Shavers concludes, "illustrates the high creative and commercial value of a band's name."

The Finale brings into focus a few of the topics covered in the book regarding the dilemmas facing the twenty-first century music industry—copyright extension, declining physical media sales, digital distribution, digital rights and PROs, to name a few. "Now that the popular music industry has had over a century to grow into itself," Shavers observes, "it appears that its continual challenge lies in its ability and willingness to adapt, evolve, and innovate" (305).

There are several moments that highlight Shavers' lack of attention to historical rigor, particularly when she writes about music history. In the introduction, Shavers recounts how she initially learned about pop music via her parents who, "would always tell me the history and story behind an artist or a song" (ix). Many people grew up learning music "history" from their parents, siblings, or friends. Shavers relies on this type of amateur (music) historian approach, which is unfortunate, even for a source that claims to not be a textbook. Some of the Interludes barely skim the historical surface (of course, this is *not* a history book). For example, the "Prelude: Setting the Scene" describes the pre-1900 conditions that helped to establish the modern music industry. Painting with very broad strokes, Shavers cycles through events that include the Industrial Revolution, urban migration, westward expansion, minstrelsy, the growth of sheet music sales, vaudeville, song pluggers, and the rise of Tin Pan Alley. There is no mention of Stephen Foster, which is odd considering he was one of the most popular songwriters of his era, and his music provides a tangible connection to many of the ideas Shavers presents. The most egregious lack of historical accuracy appears in the section "Ragtime, Blues, and Jazz: The Birth of Modern Popular Music." W.C. Handy's name does not appear in the blues history section. This omission is peculiar since Handy, like Fos-

ter before him, provides a link between vernacular musical traditions like the blues and the business of music. Handy, known as the “Father of the Blues,” published the first commercially successful blues, *The Memphis Blues*, in 1912.

While Shavers correctly states, “the evolution of the blues began with the solitary singing and self-accompaniment of the ‘country blues-man’” (34), the organization of this section suggests that musicians such as Robert Johnson, Charlie Patton, and Blind Lemon Jefferson came before Mamie Smith and Bessie Smith, which is not true. The ragtime and jazz history section is simply a mess. It would be a challenge, admittedly, for any author to condense such a rich history into two or three pages, as Shavers attempts. While it might be too much to expect nuance from *The Little Book of Music Law* when discussing music history, a “fact based” book should correctly present the facts. Similar to the confused blues history timeline, Shavers leads the reader to believe that Jelly Roll Morton was a pioneer in the development of ragtime, and that Scott Joplin, “was [just] another great and well-known ragtime player” (37). When Joplin published *The Maple Leaf Rag* in 1899, a composition that helped usher in the ragtime era, Morton was only nine-years old. Responsible teachers will either supplement these histories presented by Shavers, or simply skip them in favor of more accurate sources.

In her endeavor to condense portions of American music history into only a few pages, Shavers appropriately draws attention to the “musical concoction of foreign influences,” particularly the European and African sources, that gave birth to popular music. Discussing the complex roots of white America’s fascination with “black music,” Shavers rightly points out that, “An uncomfortable dichotomy within white slave-holding society toward...black musical traditions existed. Fascination about the culture went hand in hand with blatant disgust and disregard for the culture as being inferior” (33). This attention, even if only a few paragraphs, given to the entangled racial origins of American popular music is refreshing considering that some well-known music history textbooks steer clear of this topic entirely. The fascination and disregard for black (music) culture reemerges in Track 13 during a discussion about music censorship in the 1980s and 1990s.

“The book is by no means an exhaustive write-up of music law or music history,” writes Shavers in the introduction, “but a distillation of some noteworthy moments in pop culture and music law” (xiii). While

critical of the Shavers' version of music history, I found the historical information in the remaining chapters much more credible. Each chapter presents the necessary historical background to properly situate the reader. The legal and cultural history surrounding each case was tightly concentrated in terms of time spans, often only covering a few years, and relatively free from personal speculation because Shavers, a lawyer, relied on primary sources such as court documents and newspaper accounts to narrate the events.

The Little Book of Music Law has potential value both to the music industry educator, and as a classroom resource for students. Read in its entirety, it presents a concise overview written in lay terms that allows the reader to trace a chronological development of entertainment law as related to the music industry. Depending on the readers' familiarity with the multiple subjects covered throughout the text (copyright, licensing, management, contracts, etc.), each chapter serves as either a succinct primer or a brief refresher. In terms of classroom use, *The Little Book of Music Law* will probably work best as a supplement rather than as a standalone text. Each chapter is about ten pages long, therefore not overly burdensome in regards to additional or required reading. The chapters offer an accessible option to present or introduce particular music industry topics to students because Shavers has a way of humanizing the subject matter. She brings insights and raises enough questions throughout the twenty-one tracks and interludes of this Little Book to stimulate further thought, regardless if music law is your pastime or passion.

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