

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Letter	Skyscraper Safety Campaign [page 1] - To: POTUS - From: Sally Regenhard	1	01/2002	P6/b6;
002	Fax Cover Sheet	Follow-Up... - To: Alberto Gonzales - From: Robert Spitzer	1	01/04/2002	P6/b6;
003	Letter	[Letter] - To: Gary Williams - From: Watkins Yates	2	09/21/2001	P6/b6;
004	Note	[Note] - To: Karl Rove - From: Harlie Vick	1	03/20/2002	P6/b6;
005	Letter	[Letter] - To: POTUS and FLOTUS - From: Cathleen Cochran	2	04/05/2002	P6/b6;
006	Letter	[Letter] [Page 2] - To: POTUS and FLOTUS - From: Cathleen Cochran	1	04/02/2002	P6/b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Kavanaugh, Brett Correspondence [Folder 3]

FRC ID:

9561

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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007	Letter	[Letter] [Page 2] - To: Orrin Hatch - From: Cathleen Cochran	1	03/13/2002	P6/b6;
008	Letter	[Letter] - To: Cathleen Cochran - From: POTUS	1	03/30/2001	P6/b6;
009	Letter	[Letter] - To: Brett Kavanaugh - From: Cathleen Cochran	1	10/15/2001	P6/b6;
010	Letter	[Letter] - To: Cathleen Cochran - From: Brett Kavanaugh	1	03/25/2002	P6/b6;
011	Envelope	[Envelope] - To: POTUS and FLOTUS - From: Cathleen Cochran	1	N.D.	P6/b6;
012	Envelope	FedEx - To: Ashley Estes - From: Cathleen Joan Cochran	1	04/05/2002	P6/b6;

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THE WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

DATE RECEIVED: 1/24/02

NAME OF CORRESPONDENT: Sally Regenhard (via Harriet Miers)

SUBJECT: Skyscraper Safety Campaign

ROUTE TO:		ACTION		DISPOSITION		
OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE M/D/YR	TYPE RESP	C D	COMPLETED M/D/YR

CUGONZ		A	1/24/02	C		
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ACTION COMMENTS:

Brett		A			/ /	
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ACTION COMMENTS:

			/ /		/ /	
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ACTION COMMENTS:

			/ /		/ /	
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ACTION COMMENTS:

COMMENTS:

ADDITIONAL CORRESPONDENTS:

MEDIA:

No response - FEMA matter -
potential litigation matter.
Brett Koverayl

THE WHITE HOUSE
WASHINGTON

EXEC. OFC. PRESIDENT
COUNSEL TO THE PRESIDENT
2002 JAN 24 PM 7:07

January 24, 2002

NOTE TO: KARL ROVE
MITCH DANIELS
COUNSEL

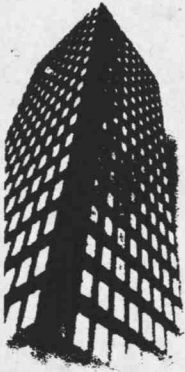
FROM: HARRIET MIERS

SUBJECT: Letter from Sally Regenhard
The Skyscraper Safety Campaign

For suggested responses.

Thank you.

Staff to Brett



The Skyscraper Safety Campaign:
A Project of Parents & Families of
Firefighters and WTC Victims

Sally Regenhard
PO Box 70
Woodlawn Station
Bronx, NY 10470

January, 2002

Dear President Bush,

I am the founder and chairperson of "The Skyscraper Safety Campaign": A Project of Parents and Families of Firefighters and WTC Victims. **We are calling for your support of Emergency Funding for the recently announced Federal, Independent, Investigation of the World Trade Center collapse.** I am the parent of a twenty-eight year old probationary Firefighter, Christian Regenhard, who was lost at the World Trade Center on September 11th, and who remains missing with his entire Engine Company to this day.

My organization has collected petitions signed by hundreds of relatives of WTC Victims and Firefighters. Our association has been endorsed by two major victims' groups: "Give Your Voice" – The largest civilian victims' association with over 2,800 members, and "Families of September 11" – which represents families of the plane crash victims. For the past three months I have done extensive research involving the design, construction, materials used, and evacuation plans of the World Trade Center. I have also collaborated with several experts in the field of Fire Engineering. We have a list of eminent professionals who are calling the present "investigation" virtually non-existent, and who are petitioning the Federal Government to take immediate action.

In a bizarre and unbelievable move, the City of New York began almost immediately to dispose of all the steel and other debris, which is material evidence in a crime scene involving 3,000 homicides. New York City has a \$50 million-dollar scrap metal contract with three different companies to shred the steel and sell it to foreign markets. When an airplane crashes, the Federal Government spends millions to reconstruct the plane to find out why it happened. In the case of the World Trade Center, New York City began disposing of the materials immediately. Why?

I am appealing to you to provide funding for this critical Federal Investigation, and to help stop the destruction of the remaining evidence. (Already over 80% of the steel has been sold for recycling.) According to their own statements the so-called FEMA investigation is nothing more than a "Building Performance Review study" and NOT a comprehensive investigation of why the WTC collapsed! Scientific analysis of the steel and other building materials can be a key to why the towers collapsed and to prevent such disasters in the future. As time is of the essence, I am appealing to you and hoping that you are willing to help us. Please support funding for a full Federal Independent Investigation of why the WTC collapsed, and call for a halt to the destruction of the steel so that it can be properly studied as part of this Federal Investigation. As time is of the essence, we need your support now.

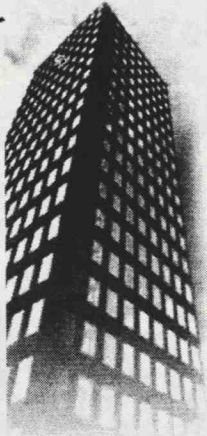
Sincerely,

Sally Regenhard

Cell: (b)(6)

Home Office: (718) 671-7326

Visit the Skyscraper Safety Page: www.HeroWTC.org (See Skyscraper Safety Link)
& www.GiveYourVoice.com/skyscraper.html



The Skyscraper Safety Campaign:

A Project of Parents & Families of Firefighters and WTC Victims

Sally Regenhard
PO Box 70
Woodlawn Station
Bronx, NY 10470

9/11...WTC...3,000 People Died...It Never Should Have Happened!! WHY DID THEY FALL?

The World Trade Center disaster was the first total collapse of high-rise buildings during a fire in U.S. history and the largest structural collapse in world history. In the interest of public safety, as well as the memory of the 3,000 people who were killed there, it is necessary to find out why and how these buildings collapsed.

Experts in the fire science and engineering fields currently are debating the direct cause of the collapses. Some believe it was not the impact of the planes and ignition of the jet fuel—but rather, the subsequent contents fires' attacking the building's steel structural assemblies—that directly brought down the towers. But without a complete investigation, it's all just conjecture, and after four months of a "Building Performance Review Study" instead of a true Fire Investigation - all we have are three conflicting theories and no answers.

After a battle that never should have had to be waged by "The Campaign for Skyscraper Safety: A Project of Parents and Relatives of Firefighters and WTC Victims," thousands of victims' relatives and other persons of integrity have finally learned that the federal government will embark upon an independent investigation of why the WTC collapsed. Better later than never! Now we must urge our Congress to provide emergency funds ASAP!

Just as important, we must convince our public officials to stop recycling the WTC structural steel—immediately! Recycling amounts to destroying physical evidence that holds clues as to why the towers fell. The WTC steel should be retained and examined for many reasons: The Twin Towers were two of the first American buildings that were not constructed of entirely U.S.-made steel. Instead, it came from several countries and a variety of different vendors. It must be tested and evaluated for its integrity. Furthermore, thorough examination can tell us how the steel held up at points of impact, and where it failed. We can ascertain how hot the fires were burning, and where. We can observe the joints and other connections and how they supported the infamous "lightweight truss" floor construction, long known in the fire protection community to fail rapidly and unexpectedly in fires. And the list goes on.

When a plane crashes, we do not throw it away. Instead, all parts are meticulously recovered and reconstructed. In the case of TWA Flight 800, the federal government spent an astounding \$50 million dollars to find out how and why it crashed. So far, only \$600,000 dollars has been spent for a crime involving 3,000 homicides at the WTC disaster. And, in a bizarre and unbelievable move, the City of New York almost immediately began to dispose of the structural steel and other debris, which is material evidence in a heinous crime. Why was the City of NY so quick to enter into a \$50 million dollar scrap metal contract, shred the steel and sell it to foreign markets? The question of just who was responsible for signing off on this remains unanswered by the City of NY.

We have lost precious time. The relatives of the doomed 3,000, supported by eminent professionals and experts in the field of fire science, concur on the importance of preserving and examining the steel evidence. Why is it still being thrown away?

With nothing left to scientifically examine, we may never truly answer the questions about why these buildings collapsed so quickly and so totally. Perhaps there are people who would prefer that these questions never be answered.

Homeland
Counsel
Privately



received 0115 3/1/02
4-5-02 -
Please send reply

Judicial Watch

Because no one is above the law!

November 13, 2001

VIA CERTIFIED MAIL AND FAX

FOIA Officer
Department of Homeland Security
5001 New Executive Office Bldg.
Washington, DC 20503

FOIA Officer, FAA
800 Independence Ave. S.W.
Room 906A
Washington, DC 20591

Melaine Ann Pustay
Office of Information and Privacy
Suite 570, Flag Building, DOJ
Washington, DC 20530-0001

Director, FOI & Security Rev.
Department of Defense
1155 Defense Pentagon, RM 2C757
Washington, DC 20301-1155

FOIA Officer, NTSB
RE-51
490 L'Enfant Plaza SW
Washington, DC 20594-2000

FEMA
ATTN: Eileen Leshan
Office of General Counsel
500 C St. SW, RM 840
Washington, DC 20472

John M. Kelso Jr.,
Chief, FOIA Division
Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, DC 20530

Re: Freedom of Information Act Request

Dear Sir/Madam:

Pursuant to the Freedom of Information Act (hereinafter, "FOIA"), 5 U.S.C. 552, and its regulations, we hereby request from the Federal Bureau of Investigation (FBI), Department of Justice (DOJ), Federal Emergency Management Agency (FEMA), Department of Defense (DOD), Federal Aviation Administration (FAA), National Transportation Safety Board (NTSB), and Office of Homeland Security, all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, applications, diskettes, letters, expense logs and receipts, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, video recordings, notes, examinations, opinions, folders, files, books, manuals, pamphlets, forms, drawings, charts, photographs, electronic mail, and other documents and things, that refer or relate to the following in any way:

1. The decision not to impose a nationwide ground stop on all aircraft immediately after the crash of the American Airlines Flight 587, an Airbus A300, in New York City on November 12, 2001.
2. Any and all information, including but not limited to, mechanical failure information concerning the Airbus A300 type aircraft, that contributed to the decision not to impose a nationwide ground stop on all aircraft following the crash of American Flight 587 on November 12, 2001.
3. The decision to have the NTSB lead the investigation into the crash of American Airlines Flight 587 on November 12 2001.

Thank you for your expected cooperation in responding to our request in a timely manner, which should be within 10 working days, as required under 5 U.S.C. § 552 (a)(6)(E)(ii)(I), 28 CFR § 16.5 (d), 49 CFR § 7.31 (c)(3), 44 CFR § 5.3, and 32 CFR § 286.4 (3) because time is of the essence. The American people are now at war, on two fronts -- both at home and abroad. The American people deserve full and complete disclosure of the matters requested herein, and to know the nature of the decisions being made in their name. The magnitude of the events of September, 11, 2001, reflects the importance and urgency of this request, made in the public interest for the knowledge and benefit of the American public-at-large. Judicial Watch, through a variety of means and media detailed below and consistent with its legal and public education mission will rapidly and efficiently disseminate the information obtained under FOIA to the American people. In order to accomplish these aims, it is critical that the American people have this request answered in a timely manner.

Pursuant to the FOIA, if any portions of the requested documents are claimed to be privileged, those portions which are not claimed to be privileged should be provided to the undersigned. This should be done prior to the conclusion of the statutory 20-day period for response. In addition, under the FOIA there is an absolute requirement to produce those segregable portions of documents which are not claimed to be privileged, as well as a list ("Vaughn Index") that indicates by date, author, general subject matter, and claims of privilege(s) those documents, or portions thereof, which have been withheld or not provided. Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir 1973), cert. denied, 415 U.S. 977 (1974); Iglesias v. Central Intelligence Agency, 525 F. Supp. 547 (D.C. 1981); see generally

LaRocca v. State Farm Mut. Auto. Ins. Co., 47 F.R.D. 278 (W.D. Pa. 1985).

We note that President Clinton instructed agencies in October, 1993, to ensure compliance with both the spirit as well as the letter of the Act. See President Clinton's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Summer/Fall 1993, at 3. In addition, Attorney General Ashcroft issued a FOIA Memorandum on October, 12, 1993, which *inter alia* states "the Department of Justice and this Administration are committed to full compliance with the Freedom of Information Act... It is only through a well-informed citizenry that the leaders of our nation remain accountable to the governed and the American people can be assured that neither fraud nor government waste is concealed," and orders "a presumption of disclosure." See Attorney General Ashcroft's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Fall 2000, at p. 1.

Judicial Watch is entitled to a public interest fee waiver for this request. At 5 U.S.C. § 552 (a) (4) (A) (iii), the FOIA sets forth a two prong test to determine whether a fee waiver is appropriate. First, the disclosure must be in the public interest by contributing significantly to the public's understanding of the operations of the government. *Schrecker v. Department of Justice*, 970 F. Supp. 49, 50 (D.D.C. 1997); *Fitzgibbon v. Agency for International Development*, 724 F. Supp. 1048, 1050 (D.D.C. 1989); *Larson v. Central Intelligence Agency*, 843 F.2d 1481, 1483 (D.C. Cir. 1988). Second, the disclosure must not be primarily in the commercial interest of the requester. *Schrecker*, 970 F. Supp. at 50; *Fitzgibbon*, 724 F.2d at 1050; *Larson*, 843 F.2d at 483.

Judicial Watch is a 501 (c) (3) not-for-profit public interest organization. One of its purposes is to provide the public with information which exposes government activities that are contrary to the law. Judicial Watch is, in effect, an educational foundation, as well as a law firm, which uses several mechanisms for the dissemination of the information it acquires, and operates to ensure that this information will be made available to the public on a daily basis:

Judicial Watch, as a press entity itself¹, produces several press releases each week.

¹ See Memorandum and Order, *Judicial Watch, Inc. v. U.S. Department of Justice*, Civil Action No. 00-1396 (JR), November 16, 2000.

- The *Judicial Watch Newsletter* has a monthly circulation of over 300,000 copies nationwide.
- Judicial Watch maintains a website on which people can view copies of, among other things, FOIA documents, press releases, responsive documents, deposition transcripts and court opinions. This website is viewed by over 20,000 people per day on average, and on a few occasions, had logged up to 1,000,000 visitors in a single day.
- Over 60,000 people subscribe to our "Infonet" listserve for daily updates on our lawsuits, FOIA requests, investigations and public education programs.
- Judicial Watch's Chairman has been invited to testify before Congressional committees as an expert witness on legal matters, including, but not limited to the Privacy Act and the Freedom of Information Act.
- Judicial Watch's Chairman and other employees frequently appear on nationally broadcast radio and television programs to provide information, analysis and commentary concerning government corruption and other legal issues.
- Judicial Watch has been credited by Courts, the Congress and various other media outlets on several occasions for uncovering information and documents concerning government corruption, illegal and/or inappropriate activities, and documented instances of government attempts to "stonewall" requests for information and accountability in the public interest.
- Judicial Watch is involved in the production and broadcast of a monthly one hour news and information television program, *Public Disclosure*, fashioned after the long running news broadcast *60 Minutes*. *Public Disclosure* is syndicated across the country.

Judicial Watch produces its own twice-weekly television show and weekly radio program, both entitled *The Judicial Watch Report*, which air nationwide through syndication on cable television and radio stations, as well as the Internet. Judicial Watch disseminates information it obtains through these mediums as well.

Judicial Watch hosts and sponsors conferences and rallies as public education forums for the dissemination of the information it acquires. For example, Judicial Watch hosted an Ethics in Government 2000 Conference at the Washington Hilton on October 20-21 2000 and an Ethics in Government 2001 International Conference, "Fighting Corruption, Fostering Freedom," on October 5- 6, 2001 in Miami, Florida.

On October 29, 2001 Judicial Watch launched a daily, national, radio program with USA Radio Network, hosted by broadcast veterans Russ Verney and Jane Chastain. The goal is to give the public an update on our day-to-day efforts and goals, and to get information in the hands of the American people.

In short, Judicial Watch's efforts to expose government corruption make news on almost a daily basis, and it functions, in part, as a member of the media.

Indeed, there is an unequivocal public interest served by revealing the aforementioned documents. The American people should be made aware of, among other things, reports, investigations, decisions, waivers and findings of fact concerning the methods and nature of the investigation of American Airlines Flight 587. The American people deserve full disclosure of the cause of the flight crash, and what steps and reasoning investigators of their government took to arrive at that cause, as well as which agencies were responsible for making this decision regarding their safety. The information requested is currently a national news issue, and with the real threat of terrorism on our soil, the action or inaction of the federal government could put lives at risk. This information is not merely intended to satisfy the curiosity of a few. To be sure, the public is always well served when it knows how government activities, particularly matters touching on legal and ethical questions, have been conducted. This request is based, in part, on a news article

by Alison Mitchell. "A Test for Fledgling Disaster Response Network," *The New York Times*, November 13, 2001. A copy of which is enclosed with this request.²

Thus, we are convinced that the information requested will be meaningfully informative in increasing public understanding of the American Airlines Flight 587 crash. Hence, we submit this request.

Clearly, information that exposes government activity that is contrary to the rule of law will contribute significantly to the public's understanding of the operations and activities of government. In fact, according to the *Office of Management and Budget, Freedom of Information Reform Act of 1986 – Uniform Freedom of Information Act Fee Schedule Guidelines*, § 67(g), this is one of the categories of activity which courts have characterized as in the public interest.

Congress has spoken clearly on this subject by amending FOIA so that it can "be liberally construed in favor of waivers for noncommercial requesters." *McClellan Ecological Seepage Situation*, at 1284 (quoting 132 Cong. Rec. S14298 (Sept.30, 1986)). The main purpose of the amendment, according to Senator Leahy, was to prevent gamesmanship on the part of government agencies i.e., to "remove roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under FOIA." *Id.* (quoting 132 Cong. Rec. S16496, October 15, 1986).

We request expeditious handling and immediate release of the requested information in the public interest.

In accordance with 5 U.S.C. § 552 (a)(6)(E)(ii)(I), 28 CFR § 16.5 (d), 49 CFR § 7.31 (c)(3), 44 CFR § 5.3, and 32 CFR § 286.4 (3) we submit this request be granted and expedited because the information is urgently needed for dissemination so that the public may be informed about the national security and safety the actual or alleged actions of agencies of the Federal Government.

In addition, we find a compelling need for the requested information given that a significant

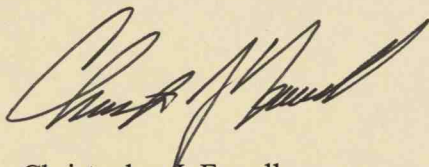
² Alison Mitchell. "A Test for Fledgling Disaster Response Network," *The New York Times*, November 13, 2001

part of our operation involves disseminating information as a legitimate news source. Thus, we assert that the request concerns matters of widespread and exceptional media interests in which there exist possible questions about the government's integrity (to include senior government officials) which effect public confidence.

Release of the information will promote confidence in our Constitutional Republic, and contribute to furthering the integrity of the American national government by deterring and/or sanctioning corrupt activities. The failure to do so will likely result in the further compromise of important interests of the American people.

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in dark ink, appearing to read "Christopher J. Farrell", written in a cursive style.

Christopher J. Farrell

CJF/mac

www.nytimes.com

The New York Times
ON THE WEB

November 13, 2001

A Test for Fledgling Disaster Response Network

By ALISON MITCHELL

WASHINGTON, Nov. 12 — President Bush was starting a meeting of the National Security Council on the war in Afghanistan. Tom Ridge, the new homeland security director, was beginning an on-air chat on Don Imus's radio program. And then, suddenly, the White House was again facing a crisis.

Within minutes of each other, at about 9:20 a.m., both the president and Mr. Ridge received notes from aides telling them that American Airlines Flight 587 had just crashed in Queens after takeoff from Kennedy International Airport.

The disaster set off a real-time test of how the nation's nascent homeland defense system, run by agencies all across the spectrum of federal and local government, would work in the aftermath of Sept. 11.

The Federal Aviation Administration was quickly communicating with the Port Authority of New York and New Jersey, imposing an immediate freeze at all airports in the area. The military directed fighter jets to fly cover over the city.

In Washington, Mr. Bush put off a planned session with Russian and American journalists that had been planned in conjunction with the visit of Russian President Vladimir V. Putin.

Mr. Ridge hurried to the situation room of the White House and convened a secure video conference call with the relevant cabinet officials — just as he had in recent weeks with governors and a patched-together group of government officials to help deal with anthrax contamination.

The conference call brought together the top of the roster of government officials charged with domestic security: Attorney General John D. Ashcroft; F.B.I. Director Robert S. Mueller III; Transportation Secretary Norman Y. Mineta; Joe M. Allbaugh, the director of the Federal Emergency Management Agency; Deputy Defense Secretary Paul D. Wolfowitz; and Jane F. Garvey, the administrator of the Federal Aviation Administration.

For almost two hours, the group stayed on the call, sharing incoming information and discussing how to respond as updates flowed into the situation room and to each agency. For a brief period, officials said, the group considered whether to impose a nationwide ground stop as the government did after hijacked planes crashed into the World Trade Center and Pentagon.

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But the step was ruled out, officials said, after more information came in. "As the first reports were pointed toward mechanical failure, the decision was made in that context," said Susan Neely, the communications director for the Office of Homeland Security.

Ari Fleischer, the White House press secretary, said in a briefing that there were no unusual communications from the stricken plane's cockpit. And he said there had been no credible threat received by the nation's intelligence agencies that would have pointed to an attack on an aircraft.

With the administration struggling to return the nation to normal and trying to encourage people to resume flying, officials soon took steps to signal to the public that the crash was likely an accident. It did so partly by following the same public routines it would have before Sept. 11 and before Mr. Ridge came on the scene.

The National Transportation Safety Board took the lead in the investigation, not the F.B.I. "All information we have currently is that this is an accident," Marion Blakey, the head of the safety board said. And it was Mr. Fleischer, not Mr. Ridge, now so associated with management of terror attacks, who appeared in the White House briefing room. He told Americans that they "should still travel, they should still live their lives."

At an appearance in the Rose Garden later with Nelson Mandela, the former president of South Africa, President Bush once again was trying to lend comfort to a shaken city and calling it "heartbreaking" to have to reach out to Mr. Giuliani and Gov. George Pataki about a tragedy once more.

"The New York people have suffered mightily," the president said. "They suffer again. But there's no doubt in my mind that New Yorkers are resilient and strong and courageous people."

Throughout the day — starting with a call from Deputy Mayor Joseph J. Lhota of New York City to Mr. Ridge's office in search of any information the White House might have — federal officials stayed in close touch with New York. President Bush consulted with both Mr. Giuliani and Mr. Pataki.

By afternoon, Mr. Allbaugh, the emergency management director, was on a plane to New York with Mark A. Holman, a senior staffer in homeland security office.

This evening, Mr. Ridge appeared before the United Jewish Communities General Assembly in Washington. He made no specific mention of the air crash in New York, but he told the delegates that the United States could learn lessons from Israel in how to deal with terror.

"Since Sept. 11, America has much to do and we have much to learn and we can look to Israel to help," he said. "Before Sept. 11, we Americans thought we were safer than we were. We know better now, and we know nothing will ever be the same again."

**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

DATE RECEIVED: 1/4/02

NAME OF CORRESPONDENT: Robert J. Spitzer

SUBJECT: follow-up to Dec 7 meeting

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION		
		ACTION CODE	DATE M/D/YR	TYPE RESP	C D	COMPLETED M/D/YR

CUGONZ	A	1/4/02	C	
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ACTION COMMENTS: _____

Judge Brett	A			/ /
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ACTION COMMENTS: _____

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ACTION COMMENTS: _____

		/ /		/ /
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ACTION COMMENTS: _____

COMMENTS: _____

ADDITIONAL CORRESPONDENTS:

MEDIA:

Taken care of
Brett Karam

Cortland

State University of New York College at Cortland

■ Political Science Department
Robert J. Spitzer
Distinguished Service Professor

TO: Judge Alberto R. Gonzales
White House Counsel
The White House
FAX: 202-456-6279

TOTAL FAX: 3 pages


FROM: Robert J. Spitzer, President, Presidency Research Group

phone: 607-753-4106 (O); (b)(6) **(H)**
FAX: 607-753-5760
email: spitzerb@cortland.edu

DATE: January 4, 2002

RE: follow-up to December 7, 2001 White House meeting

Comments:

Please note the accompanying letter. Thank you.

**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

DATE RECEIVED: 4/19/02

NAME OF CORRESPONDENT: Watkins Yates

SUBJECT: VA concerns

ROUTE TO:		ACTION		DISPOSITION		
OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE M/D/YR	TYPE RESP	C D	COMPLETED M/D/YR

CUGONZ	A	9/21/01	C		
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ACTION COMMENTS: _____

Brett	A			/ /	
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ACTION COMMENTS: _____

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ACTION COMMENTS: _____

		/ /			/ /
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ACTION COMMENTS: _____

COMMENTS: _____

ADDITIONAL CORRESPONDENTS:

MEDIA:

No response necessary.
(cc'ed) Brett Kavanaugh

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter] - To: Gary Williams - From: Watkins Yates	2	09/21/2001	P6/b6;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Kavanaugh, Brett Correspondence [Folder 3]

FRC ID:

9561

OA Num.:

1203

NARA Num.:

1083

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

DATE RECEIVED: 4/4/02

NAME OF CORRESPONDENT: Art Walters

SUBJECT: discrimination on rental property

ROUTE TO:		ACTION	DISPOSITION			
OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE M/D/YR	TYPE RESP	C D	COMPLETED M/D/YR

CUGONZ	A	3/19/02	C		
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ACTION COMMENTS: _____

Brett	A			/ /	
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ACTION COMMENTS: _____

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ACTION COMMENTS: _____

		/ /		/ /	
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ACTION COMMENTS: _____

COMMENTS: _____

ADDITIONAL CORRESPONDENTS:

MEDIA:

No response. For litigation
files - Brett Kavanaugh

395
WHITE
HOUSE
LEGAL
COUNSEL

207937

IN THE 3RD CIRCUIT COURT OF APPEALS, PHILADELPHIA, PENNSYLVANIA

ART WALTERS,
Plaintiff,

CASE NO. 01-3836/3816

DATE 19 MARCH 2002

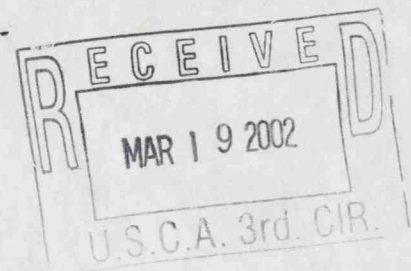
VERSUS.,

U.S.A., Et., Al.,
Defendants,

NOTICE
(NOTICE OF AWARD)

1. THANKS FOR CONFIRMATION OF BENEFIT, PAY DAY (DEPOSIT ON THE 27TH OF MARCH 2002 AND DELETION OF REQUIREMENT FOR PAYEE {FIDUCIARY}) PER 3RD CIRCUIT COURT OF APPEALS, PHILADELPHIA, PENNSYLVANIA (NOTICE OF AWARD; 7 MARCH 2002; SOCIAL SECURITY
Page 1; S819 M7
ADMINISTRATION).

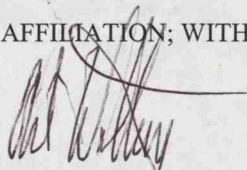
2. I HAVE AN APPEAL IN PROGRESS WITH 3RD CIRCUIT COURT OF APPEALS AND DO ASK CORRECTION OF NOTICE OF AWARD (REVIEW OF ADMINISTRATIVE AGENCY) FROM ELIGIBILITY DATE OF MARCH 1999 TO AUGUST 1994 BASED UPON OCTOBER 1995 CONSIDERATION OF YOUR CASE BY THE OFFICE OF HEARINGS AND APPEALS, PHILADELPHIA,
Page 3; S819 M7
PENNSYLVANIA (WAVIER OF APPEAL OF NOTICE). THE CORRECTION OF SAID CONSIDERATION BY THAT OFFICE UPON REVIEW OF THE ORIGINATING ORIGINATING CLAIM AS REQUESTED IN MARCH 2000 (SEE ADMINISTRATIVE LAW JUDGE' OPINION, SEPTEMBER 2001; STATING THAT"



THERE IS NO RECORD OF ORIGINATING CLAIM "{1995}"; HOWEVER; IT IS CONTAINED IN
U.S.A. VERSUS., GEORGE BUSH {1996}; 3RD CIRCUIT COURT OF APPEALS, PHILADELPHIA,
PENNSYLVANIA WITH OPINION OF UNITED STATES SUPREME COURT AND FIRMLY
ESTABLISHES EXISTANCE OF ORIGINAL APPLICATION AND HEARING OF SAID
APPLICATION IN OCTOBER 1996; AFTER ONE ADMINISTRATIVE EXTENSION FOR PHYSICAL
Page 3; S819 M7
EXAMINATION.

Page 2; S819 M7

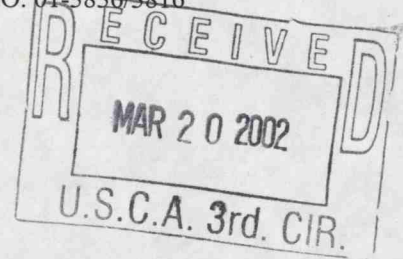
3. USE OF FORM HCFA-2690 IS DECLINED. SEE COPY OF FORM; LINED THROUGH.
4. NO RELIGIOUS OR POLITICAL AFFILIATION; WITHOUT CHANGE.



ART WALTERS
196505804
COL. (Ret.)

IN THE 3RD CIRCUIT COURT OF APPEALS; PHILADELPHIA, PENNSYLVANIA
U.S.A. (DEPARTMENT OF JUSTICE)
ART WALTERS.
Plaintiff,

CASE NO. 01-3836/3816



VERSUS.,

JOHN MCGLAUCHLIN,*
KRIS KAUFFMANN,*
UNIVERSITY OF PENNSYLVANIA
POLICE DEPARTMENT
COMMUNITY RELATIONS DIVISION,*
DAVID ARRONSON,*
STROCH AND BOCHMAN REALTOR,*
Defendants,

PETITION/AFFIDAVIT

1. THE UNITED STATES CODE; TITLE 5 GOVERNMENT; HOUSING AND URBAN DEVELOPMENT WITH REGARDS TO THE LAWS SETTING CONDITIONS FOR RENTAL AND ADVERTISEMENT OF COMMERCIAL PROPERTIES FOR RENTAL AND SUB-RENTAL WERE VIOLATED BY THE DEFENDANTS IN THAT THE FOLLOWING PROVISIONS WERE BREACHED IN THE MANNER DESCRIBED IN PARAGRAPH 2. IN THAT;

A. Unlawful discrimination took place in that an applicant was denied the opportunity to complete an application or to submit references to rental of a property without any cogent reason at law other than personnel ethnic and religious preference.

B. Property is not owned by the University of Pennsylvania but by a commercial property owner and managed by a property management firm which requires all sublessors to follow the provisions of their lease agreements in all subleases.

C. Activity of the sublessor is blatantly discriminatory in that he invited the plaintiff to the property and rejected him simply upon sight of his race; portending to base rejection on status as a student.



PETITION; 20 MARCH 2002; APPEALS COURT CASE NO. 01-3836/3816; AFFIDAVIT
TO MOTION TO STRIKE; ITEM NO. 17

2. The following offense were committed during the incident;

A. The property permitted an ad to be run in a public newspaper which purported to rent a room in said property for occupancy without specific restrictions at law; i.e. private ownership without the renter being held to the identical specifics of said renters lease in said sublease (Section).

B. Commercial property cannot be rented with personnel restrictions such as age; race, religion, creed and status (student, etc.) Although preferences may be stated they cannot be a restriction. Said Property is not property of The University of Pennsylvania (Section).

C. SAID PROPERTY ALTHOUGH RENTED BY FOREIGN STUDENTS IN THE MAJORITY IS NOT A DIPLOMATIC RESIDENCE NOR A UNIVERSITY PROPERTY WHICH MAKES IT INELIGIBLE FOR Protection under statutes granting Diplomatic Immunity.

2. Plaintiff is a recognized federal informant; witness and agent for numerous federal agencies specifically under the requirements of the Laws cited in 1. D. Suppression is requested of Judge Rendell due to her lack of exercise of authority in recognition of said status and statutes as well as her encouragement of Judge Pinan in his refusal to recognizes current 2001 changes to the Social Security Administration codes eliminating involuntary payees and return to jurisdiction/immunity from Appeals Court; Title 42, section 405 and giving instructions to parties not to answer with the exception of legislative (Congress), administrative (Secretary of State) and judicial parties (The Courts) to go through the Offices of the Vice President and The President respectively and attempting to limit legal activity by the Plaintiff by direct influence of treating physicians in direct conflict of interest under federal record laws for medical records; a Judge may nit restrict request for records under any circumstances including those incapable of self decrement as confirmed by the Office of the Attorney General; referred to the Law Enforcement arm of Immigration and Naturalization Services for Prosecution (Obstruction and Conspiracy). Authority is the Office of The Counsel to the president and former Attorney General Jan Reno. Formal response from the Clerk is required within twenty-four hours after notification of filing to the Justice Department; Washington, District of Columbia and this instruction cannot be superceded. *Civil Damages 225,000.00.*

[Signature]
ART WALTERS
196505804
COL. (Ret.)

* JOINDER OF DEFENDANTS IS INCLUSIVE OF THE AFFIDAVITS INCLUSION WITH
THE MOTION *(Interested Parties)*

No Religious or Political Affiliations

-CITE-

42 USC CHAPTER 45 - FAIR HOUSING

01/23/00

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 45 - FAIR HOUSING

-HEAD-

CHAPTER 45 - FAIR HOUSING

-MISC1-

SUBCHAPTER I - GENERALLY

Sec.

3601. Declaration of policy.

3602. Definitions.

3603. Effective dates of certain prohibitions.

(a) Application to certain described dwellings.

(b) Exemptions.

(c) Business of selling or renting dwellings defined.

3604. Discrimination in the sale or rental of housing and other prohibited practices.

3605. Discrimination in residential real estate-related transactions.

(a) In general.

(b) "'Residential real estate-related transaction'" defined.

(c) Appraisal exemption.

3606. Discrimination in the provision of brokerage services.

3607. Religious organization or private club exemption.

3608. Administration.

(a) Authority and responsibility.

(b) Assistant Secretary.

(c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review.

(d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes.

(e) Functions of Secretary.

(f) Provisions of law applicable to Department programs.

3608a. Collection of certain data.

(a) In general.

(b) Reports to Congress.

3609. Education and conciliation; conferences and consultations; reports.

3610. Administrative enforcement; preliminary matters.

(a) Complaints and answers.

(b) Investigative report and conciliation.

(c) Failure to comply with conciliation agreement.

(d) Prohibitions and requirements with respect to disclosure of information.

(e) Prompt judicial action.

(f) Referral for State or local proceedings.

(g) Reasonable cause determination and effect.

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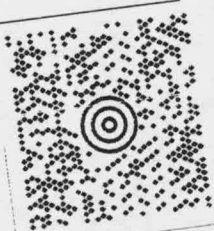
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 WASHINGTON DC 20024
 DC 200 0-45



**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

DATE RECEIVED: 4/4/02

NAME OF CORRESPONDENT: Harlie Vick

SUBJECT: depositions against Clintons and the Communist Par

ROUTE TO:		ACTION	DISPOSITION			
OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE M/D/YR	TYPE RESP	C D	COMPLETED M/D/YR

CUGONZ	A	3/20/02	C		
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ACTION COMMENTS: _____

Brett	A			/	/
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ACTION COMMENTS: _____

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ACTION COMMENTS: _____

		/	/		/	/
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ACTION COMMENTS: _____

COMMENTS: _____

ADDITIONAL CORRESPONDENTS:

MEDIA:

No response necessary.
Brett Kavanaugh

Staff to Brett.
☺

202 395-1232

EXTREMELY CRITICAL !!!!!!!

To: Karl Roe

From Harlie Vick

I want to report a bunch of depositions I have against the Clintons and the Communist Party. Urgent please respond as soon as possible. I need to talk to you and work things out.

ANSWER TODAY IF POSSIBLE.

Harlie Vick

Harlie Vick

(b)(6)

Brett - 4/11/02

Can we just not
respond and add
to Her "File", pls?

Thanks -

~~Patricia~~
No
response

2 April 2002

Cory

President George W. Bush and First Lady Laura Bush
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20502

Dear Mr. President and Mrs. Bush:

Recently, I wrote to Senator Orrin Hatch to assist me in writing a bill and contracts for your approval to help protect the rights of recording artists and songwriters in the film and music industries. I am requesting a brief telephone conversation with Senator Hatch to achieve this goal of balance by asking you and The First Lady for support. Enclosed is the letter to Senator Orrin Hatch.

A copy of Senator Hatch's letter was faxed to Alberto L. Gonzales, Counsel to The President. Mr. Brett Kavanaugh, Associate Counsel to the President responded with the enclosed letter dated 25 March 2002.

Within the last month, I have contacted a top music management firm to assist me with putting together a complete package for the President and First Lady's support.

I believe this bill and contracts could help our Republican Party before the elections in November. It would send a positive message to our youth and artists of our nation. Senator Orrin Hatch is a moral man, a songwriter and seats on the US Senate Judiciary Committee. I feel I would be able to present an outline and assist Senator Hatch with drafting this bill and package.

My corporate sponsor, Wedbush Morgan Securities at 1000 Wilshire Boulevard in Los Angeles, CA 90017 has requested since last year a total cost of this proposal and package plus attorney fees. It would be a shame to not realize a positive effort to assist our creative community. Please contact Earl Ira Feldhorn at (213) 688-8020.

Enclosed are newspaper articles. File sharing on the Internet seems to be a major problem I hope it can be addressed. Please refer to the Newsweek article on March 11, 2002 page 65, and Billboard newspaper on March 30, 2002 (front page and page 22).

Every January, I attend the NAMM show in L.A. and Anaheim. NAMM is the National Association of Music Merchants located in Carlsbad, CA. Karl Bruhn, retired National Marketing Director, and I worked on arts and music education and music equipment programs for the schools. Karl used my proposal to put

together the National Coalition of Music Education during the Clinton years. The program is now with the Grammy organization (NARAS); and VH1 and NAMM are paired together for arts and music education programs. My proposal had an industry wide effect on improving the quality of life for our creative community.

At these NAMM shows, I educate myself on new products and technology. Technology is capable of stopping theft by encoding CDs and DVDs (film and music). I believe it should be used industry wide. Jack Valenti, Chairman and CEO of MPA (Motion Pictures Association of America) stood in front of the US Senate Judiciary Committee on 3 April 2001 and spoke of this problem with the film industry. Recently, I have spoken with Jack Valenti to join forces together to achieve more balance with artists' rights in the film and music industries.

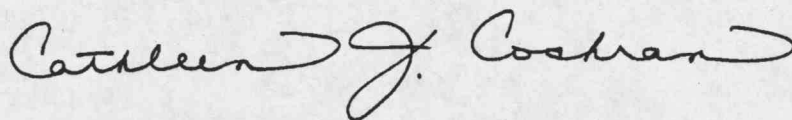
Computer companies should not be selling CD burners with new computers. This promotes theft on a massive scale. Everything could be pulled overnight across America from all stores and mass markets. File sharing could be blocked and outlawed with heavy fines on the Internet to protect artists and entertainment companies.

Another area of concern is used CDs and DVDs sold at Warehouse and other stores next to new product nearby. These stores increase high profit margins by using customer's trade-ins for recycle programs; and not for artists and entertainment companies financial and copyright rights. This is a major problem in USA and Japan as noted in the International section page 55 of Billboard newspaper March 30, 2002. It is understandable to artists for small stores carrying old vinyl records in neighborhood, but not chain stores.

These are some of the points to be addressed with my original plan in three areas: 1) Copyright Laws, 2) Internet (royalties) and 3) Contracts – Recording, Management, Publishing and other related contracts.

Your assistance with Senator Orrin Hatch would improve the well being of our creative community. Thank you for your attention to this matter. I look forward to your reply.

Very truly yours,



Cathleen J. Cochran

(b)(6)

Enclosures as noted above

13 March 2002

Copy

Senator Orrin Hatch
Senate Judiciary Committee
224 Dirksen Building
Washington, D.C. 20510

VIA FAX

Dear Senator Hatch and US Senate Judiciary Committee:

I am requesting your assistance in helping me write a bill and new contracts with my mission to improve the rights and quality of life for recording artists, songwriters and future generations.

My first contact with your offices was in 2000 and 2001. My original idea for three areas covered: 1) Copyright Laws, 2) Internet (royalties) and 3) Contracts – Recording, Management, Publishing and other related areas were presented to the US Senate Judiciary Committee before the 3 April 2001 hearing.

Since then, my proposal has been accepted by the film and music industries as the plan. I have spoken with Mr. Jack Valenti, Chairman/CEO of the Motion Picture Association of America to join forces. The recording artists and songwriters have wished me the best in my efforts to continue my work.

Don Henley was asked to speak as my spokesperson in the Fall of 2000 and 2001. After collecting my efforts for this mission of joining our creative community, he betrayed me. He demanded all documents, phone lists of contacts and told me I was not needed – he would take over. Since then, he uses my proposal and efforts to further his Recording Artists Coalition and enjoys his name in the newspapers as the savior of this cause.

I quietly went about my mission and sent updates to President Bush and his legal counsel. My corporate sponsors and I wish to make my original plan a reality for President Bush to sign into law.

Please send me a detailed financial breakdown bill for writing this bill, new contracts and legal costs for my corporate sponsors consideration of a reasonable total cost outline to present to their Board of Directors.

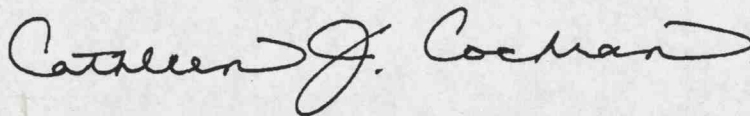
I believe this bill and contracts would help you and our fellow Republicans during an election year. Mr. Henley has gone Democrat. I am willing to use my ideas to work with all parties – politicians, film and music executives and our creative community.

My past ideas in the creative community have made artists and record companies millions of dollars. Ray Charles and Michael Bolton pairing for the Ray Charles 50 Years In Music Special in 1991. Celine Dion and Michael Bolton pairing for two World Tours grossing 70 million plus hundreds of millions in album sales. And my charities for arts and music education and music equipment program for schools nationally and internationally at NARAS as The Grammy Foundation and VH1 as Save The Music.

I am a good role model to our music industry of someone who has dedicated fourteen years of hard work to benefit our creative community and society. I can only hope you will give me the opportunity to continue and be accepted for my mission to assist our recording artists, songwriters and future generations.

Thank you for your attention to this matter. I look forward to your reply.

Very truly yours,

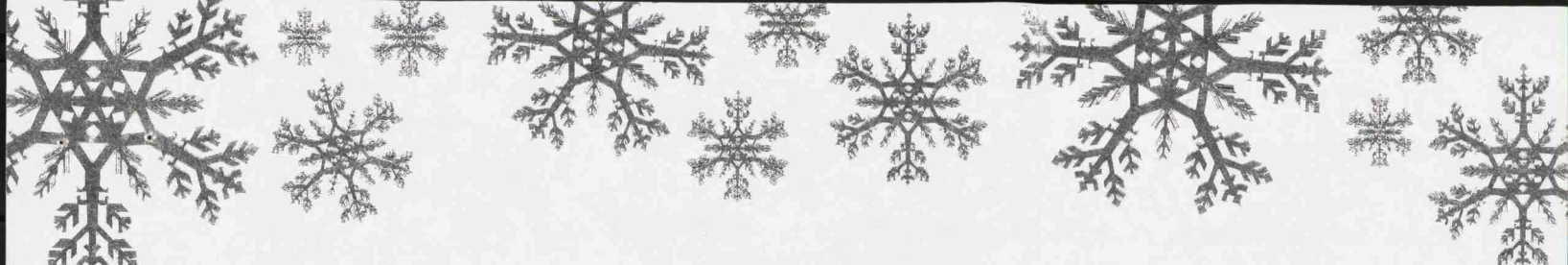


Miss Cathleen J. Cochran
Founder
New Address:

(b)(6)

Enclosures

CC: President George W. Bush
Alberto L. Gonzales
Counsel to The President



1 December 2001

TO OUR NATIONAL AND INTERNATIONAL TREASURES:

The White House General Counsel attorneys are considering my proposal for a bill and new contracts to assist our creative community. As you know, President Bush sent me a kind letter on my mission to protect the financial future of songwriters and recording artists.

Legal costs to complete this goal will be paid by a Los Angeles stock brokerage house and other entertainment companies in the concert area field. These corporations have been promised advertising space for their charitable donations.

My plan is the same proposal sent to President George W. Bush and to the US Senate Judiciary Committee (Chairman Orrin G. Hatch) before the 3 April 2001 hearing where my plan was spoken about by Don Henley and Alanis Morissette regarding Recording Contracts. The three areas are the following: 1) Copyright Laws 2) Internet (royalties) and 3) Contracts – Recording, Management, Publishing and other related contracts. If your contracts change, all three areas will be affected in my plan.

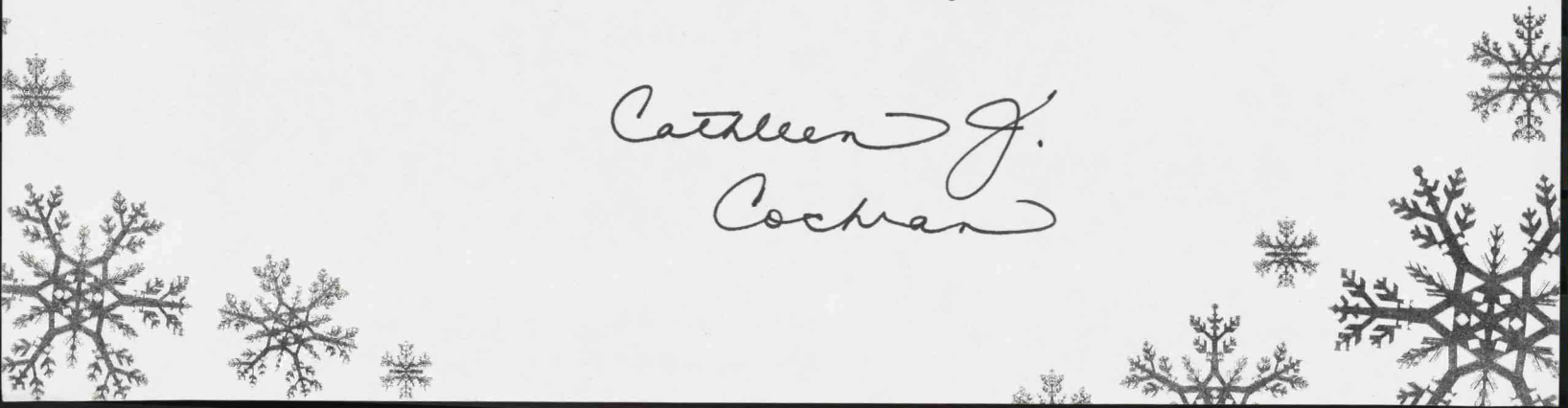
The Recording Artists Coalition and Don Henley have adopted my plan this last year. My wishes are to serve the artists and songwriters. I am willing to speak publicly about my mission once The White House and I complete the form of a bill and new contracts.

Over the last fourteen years, my efforts have been to improve arts and music education and music equipment programs for schools: The Grammy Foundation and VH1's Save The Music. These charities are some of the most successful charities nationally. It has given me great pleasure to know that future musicians, songwriters and recording artists may arise from your guidance as professionals. I hope you will continue to share your gifts and business knowledge.

It is now your responsibility to future generations as our creative community to join forces to protect the lifeblood of our industry. My main goal is to protect the songs and master recordings. This act will protect your future income and your families' interest regarding long term funds, which you rightfully earned by your efforts.

God's speed to our Navy flyers and military forces in the Middle East. Wishing you and your family a wonderful Christmas and holiday season!!!

*Cathleen J.
Cochran*



THE WHITE HOUSE
WASHINGTON

March 30, 2001

Mrs. Cathleen J. Cochran

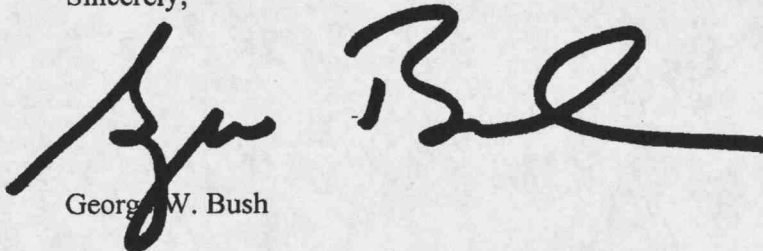
(b)(6)

Dear Mrs. Cochran:

Thank you for letting me know your views. I welcome information from Americans across the country, and I value your input.

I am confident that we, as a Nation, can put our differences aside and work together in a spirit of bipartisan cooperation to do what is in the best interest of all our citizens.

Sincerely,

A handwritten signature in black ink, appearing to be "GWB", is written over the printed name "George W. Bush".

George W. Bush

15 October 2001

Mr. Brett Kavanaugh
Associate Counsel
The White House Counsel Office
1600 Pennsylvania Avenue
Washington, D.C. 20500

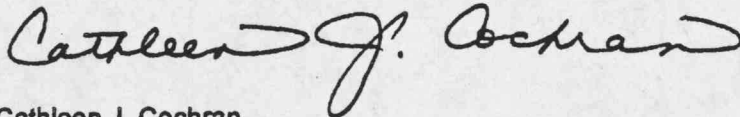
VIA FAX

Dear Mr. Kavanaugh:

My corporate sponsors and I are seeking your assistance on the protection of recording artists and songwriters in the international creative community. My goal is to write a Copyright, Internet and Contracts bill and package before the holidays. Enclosed are letters from President Bush, Noel Francisco (Assistant Counsel), Mark Hanson (Michael Jackson's attorney) and my recent request to Charles Shephard (Entertainment litigation attorney from a top entertainment firm in Los Angeles).

Please consider assisting us in this positive movement to protect our creative community. Thank you for your attention to this matter. I look forward to your reply.

Very truly yours,



Cathleen J. Cochran

(b)(6)

Enclosures as noted above

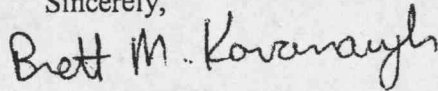
THE WHITE HOUSE
WASHINGTON

March 25, 2002

Dear Ms. Cochran:

We are aware of your many letters and messages to White House officials requesting legal and other services for your proposed entertainment project. Please be advised that we will be unable to assist you with your project. We thank you for your inquiries.

Sincerely,



Brett M. Kavanaugh
Associate Counsel to the President

Ms. Cathleen J. Cochran

(b)(6)



Miss Cathleen Joan Cochran

(9)(b)

President George W. Bush and First Lady Laura B.
The White House
1600 Pennsylvania Avenue
Washington, D.C.

20502

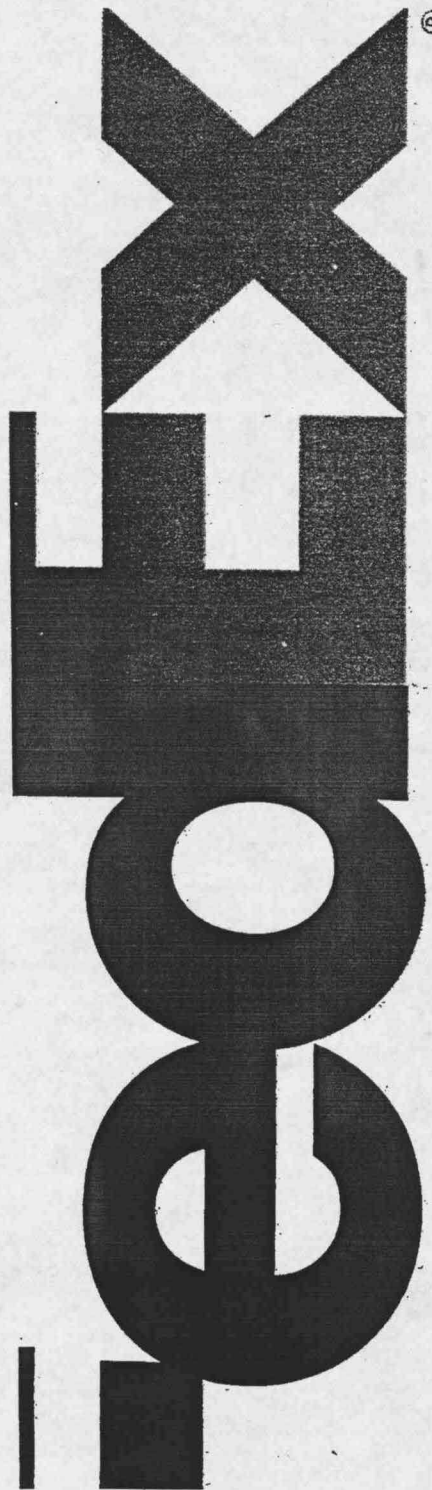
Attention :

Miss Ashley Estes

Enclosed Two brochures
and letter left out of
2 April packet.

Thank you

Preservation Copy



Express

Handwritten signature/initials

The World On

Align top of FedEx PowerShip Label here.

CATHLEEN JOAN COCHRAN -

(b)(6)

SHIP DATE: 05APR02
ACTUAL WGT: 1 LBS

(b)(6)

TO: MS. ASHLEY ESTES - (202) 456-1414
THE PRESIDENT
THE WHITE HOUSE
1600 PENNSYLVANIA AVE
WASHINGTON, DC 20500

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FedEx

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LETTER

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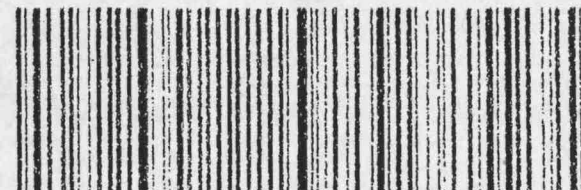
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International Shipping Notice - Carriage hereunder may be subject to the rules relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage of all the "Warsaw Convention" and/or the Convention on the Contract for the International Carriage of Goods by Road (the "CMR Convention"). These conventions, treaties and/or other laws may be subject to the U.S. in accordance with the Export Administration Regulations. Shipment subject to U.S. law provided. For shipping phone, call 1-800-762-7862.

Preservation Copy

THE WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

DATE RECEIVED: 4/17/2002

NAME OF CORRESPONDENT: Kathleen Koch

SUBJECT: copy of letter to R. Mallory

ROUTE TO:	ACTION	DISPOSITION			
OFFICE/AGENCY (STAFF NAME)	ACTION CODE	DATE M/D/YR	TYPE RESP	C D	COMPLETED M/D/YR

<u>CUGONZ</u>	<u>A</u>	<u>3/28/2002</u>	<u>C</u>		
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ACTION COMMENTS: _____

<u>Brett</u>	<u>A</u>			/ /	
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ACTION COMMENTS: _____

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ACTION COMMENTS: _____

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ACTION COMMENTS: _____

COMMENTS: _____

ADDITIONAL CORRESPONDENTS:

MEDIA:

No response necessary -
We have referred matter to
HUD .
Brett Karney



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-0500

March 28, 2002

OFFICE OF THE GENERAL COUNSEL

Richard E. Mallory
9184 Shawmutt Court
Orangevale, CA 95662

Dear Mr. Mallory:

This will acknowledge receipt of a copy of your letter of March 22, 2002 to Alberto R. Gonzalez, Counsel to the President.

I believe it is important to clarify certain statements attributed to this office in your letter. We have referred information provided and allegations made by you to the Office of Inspector General for such action as it deems appropriate. Beyond that we have no knowledge as to what investigative steps, if any, the Office of Inspector General has taken. If you have additional information to supply, I would encourage you to contact Michael Stephens, Deputy Inspector General. His telephone number is 202/708-0430.

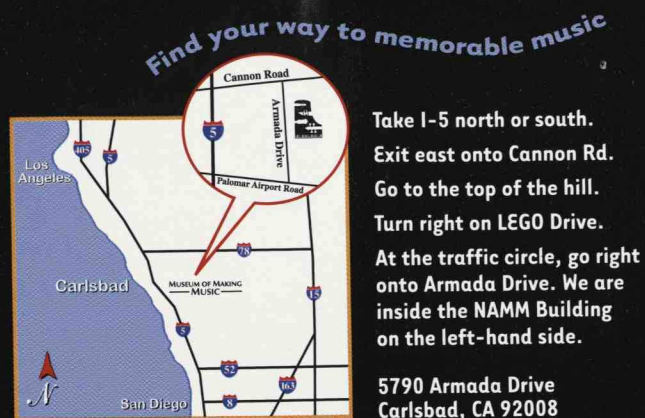
Finally, we see the issues relating to your termination as Regional Director for Pacific/Hawaii Field Office as separate and distinct from those issues referred to the Office of Inspector General.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen D. Koch", is written over a horizontal line.

Kathleen D. Koch
Deputy General Counsel
for Equal Opportunity and Administrative Law

CC: Brett Kavanaugh
Michael Stephens



Take I-5 north or south.
Exit east onto Cannon Rd.
Go to the top of the hill.
Turn right on LEGO Drive.
At the traffic circle, go right
onto Armada Drive. We are
inside the NAMM Building
on the left-hand side.

5790 Armada Drive
Carlsbad, CA 92008

About NAMM...

The Museum of Making Music is located in the corporate headquarters of NAMM—International Music Products Association®. A private, non-profit association, NAMM celebrates its 100th birthday in 2001, making it one of the oldest trade organizations in America.

ADMISSION:

\$5 for adults

\$3 for seniors, students,
active military with ID,
children ages four to 18

FREE for children ages three
and under.

Hours of operation:

10 a.m. to 5 p.m.

Tuesday through Sunday

MUSEUM OF MAKING — MUSIC —

5790 Armada Drive • Carlsbad, California 92008

Toll Free: (877) 551-9976 • Fax (760) 438-8964

www.museumofmakingmusic.org

MUSEUM OF MAKING — MUSIC —

Visit a one-of-a-kind museum
featuring music through history

In Carlsbad near Legoland
and The Flower Fields

Making music and history...

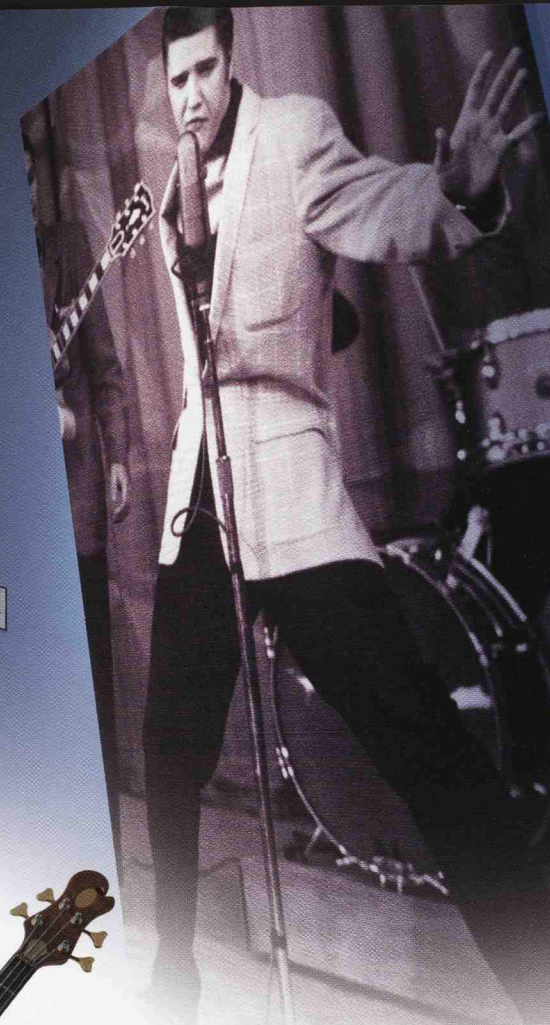
Learn about history while you journey down our interactive, music-filled memory lane. Did Louis Armstrong or Elvis introduce you to the world of music? Perhaps it was The Beatles, The Rolling Stones or KISS.

Whatever your preference, the Museum of Making Music has something for everyone. The exhibits include more than 450 vintage instruments and samples of the most memorable tunes spanning more than 100 years.

Best of all, the museum puts the music products industry into historical context, so you see the connection between making history... and making music.



...come alive!



The Baby Boom Sparks Dynamic Growth 1950-1969



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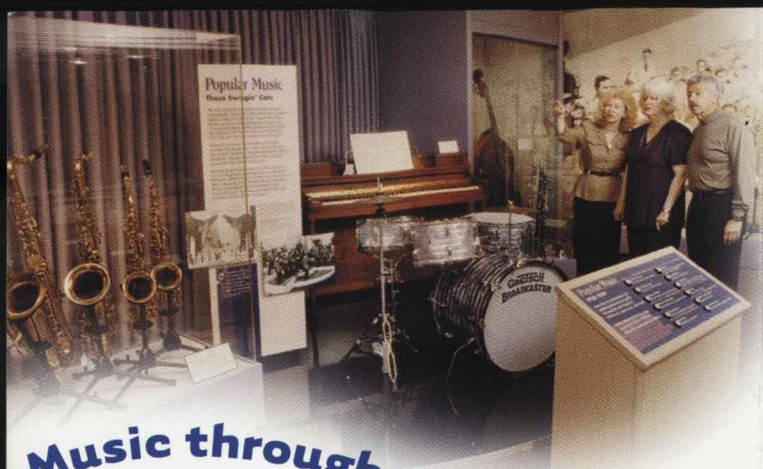
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Music through the years...

The museum is divided into five exhibits:

1890-1909

America's Music Industry Comes of Age

Pianos grace the homes of over one million Americans who play the latest Tin Pan Alley tunes.

1910-1929

The Long Boom Before the Bust

Jazz, the dance craze, silent movies and the radio create work for thousands of musicians.

1930-1949

We'll Try Anything Years

Benny Goodman launches the country's enthusiasm for swing.

1950-1969

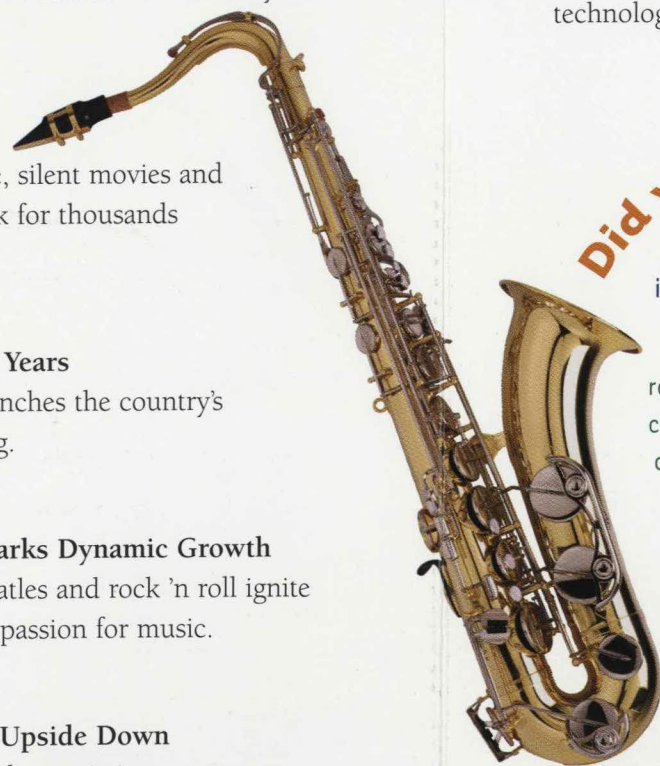
The Baby Boom Sparks Dynamic Growth

Elvis Presley, The Beatles and rock 'n roll ignite American teenagers' passion for music.

1970-1989

The World Turned Upside Down

MTV, FM radio and electronic instruments help diversify and commercialize rock music.



Historically speaking...

Throughout the museum, music is seen through the lens of history.

Consider this:

- ♪ When the stock market crashed in 1929, the industry found itself on the brink of ruin.
- ♪ During World War II, instrument manufacturers used their facilities to produce wartime goods, ranging from airplane wings to compasses.
- ♪ Post-war prosperity brought renewed interest in music, as instrument sales soared and rock 'n roll captivated American teenagers.
- ♪ A recession and the Vietnam War signaled hard times for the music products industry, but it rebounded with the introduction of digital technology.

Did you know?

In the late 1800s women were considered more marriageable if they could play the piano.

In order to preserve their reputations, women were cautioned against too much dancing in the 1920s.

New York disc jockey Alan Freed coined the term "rock 'n roll" in reference to music that combined rhythm and blues and country western.

MTV, introduced in 1983, earned \$8 million in profits during its first year-and-a-half of operation.

Explore music in an interactive environment



Like to experience music hands-on?

The museum provides many opportunities:

- ♪ At listening stations, hear the tunes that shaped – and continue to shape – our collective musical experience.
- ♪ Try your hand at playing drums, a guitar or a digital keyboard. Or visit our

museum store and play an electric violin and acoustic guitar. No musical ability required!



Members are music to our ears...



Membership benefits

- Unlimited FREE admission to the museum for one year
- 10% Discount in the museum store
- Subscription to the Museum of Making Music newsletter
- Invitations to special museum events

Membership Application

☐ Mr. ☐ Ms. ☐ Mrs. ☐ Mr. & Mrs. ☐ Other

Member's name (please print)

Name on second membership card (for Family/Contributing categories)

Address

City/State/Zip

Phone number

E-mail address

Number of children under 18 in household: _____

How did you hear about the museum? _____

☐ New member ☐ Renewing member

☐ Gift membership from: _____
Name

Address

Phone number

Membership categories

- ☐ \$25 Individual (free admission for individual)
- ☐ \$50 Family (free admission for 2 adults and your children under 18)
- ☐ \$100 Contributing (free admission for family, as above, and 12 one-time guest admission passes)

Method of payment

- ☐ Check \$ _____
- ☐ Credit Card \$ _____
- ☐ Visa
- ☐ Mastercard
- ☐ American Express

Card Number

Exp. Date

Signature

Daytime Phone

Fax

Send to: Museum of Making Music
5790 Armada Drive • Carlsbad, CA 92008



**MUSEUM OF MAKING
MUSIC**

**Carolyn Grant
Executive Director**

5790 Armada Drive
Carlsbad CA 92008

Direct: 760.438.8007 ext.209
Main: 760.438.5996
Fax: 760.438.8964

www.museumofmakingmusic.org
carolyng@namm.com

**Document Originally
Attached to
Following Page**



*Fill your life
with music,
new friends,
fun, and
accomplishment*



Learning to Play Music



*Learn to play music in a band or orchestra
as a senior adult
-- even if you have no musical experience!*

Playing music is a special joy and it will help you maintain mental and physical health. It is also a way of experiencing life: playing music from the past keeps us in touch with those feelings; daily practice keeps us active in the present, and striving for new goals attaches us to the future. One band member describes it as "serious fun."

As a member of the New Horizons Band,[®] you will meet new friends and work with them as a team to learn music for concerts and other performances in the community. New Horizons ensembles typically perform many times each year in venues ranging from formal concerts to shopping malls to parks to retirement and nursing homes.

There are also a number of annual music institutes you can attend which cater to New Horizons musicians in locations like Aspen, CO; Lake Placid, NY; Door County, WI; Sydney, Australia or Palm Springs, CA.

It's Easy and Fun!

As an adult, you have advantages that will help you learn music. If you played an instrument in school years ago, you will be amazed at how much you remember and how quickly you will be able to play again. Even if you've never played music, you are already familiar with the sound of a lot of the music that will be included in your early instruction.



"I joined the New Horizons Band because I enjoyed playing in high school and welcomed the opportunity to play again."

-A New Horizons Band member

Most adults are more motivated, self-disciplined, and have more time to practice than their younger counterparts. If you attend lessons and practice, you'll be playing music before you know it! From then on, it's even more fun to play with others in classes, chamber music groups, bands and orchestras.

In one study, nearly everyone who participated in a New Horizons Band felt that their accomplishments met or exceeded their expectations.

Getting Started

The first step in getting started is attending an informational meeting at which all of your questions will be answered by a music teacher and music dealer. You will also have a chance to meet some of the other people who will be participating. If you are not able to attend that meeting, contact the sponsoring music dealer, ask whatever questions you have and plan to be at the first class.



"I love making music a part of each day, new friendships, and band camps."

-A New Horizons Band member

Choosing an Instrument

- Re-learn to play the instrument that you played earlier in life.
- Choose an instrument that has a sound or look that you like.
- Check with the band director to see which instrument is needed in the band.

When selecting an instrument, keep in mind that in a very small number of cases, physical characteristics may indicate that a particular instrument will be relatively easy or difficult. Options can be discussed with the music teacher.

Obtaining an Instrument



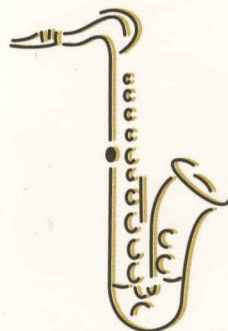
Use Your Own.

If you already have an instrument or if you'll be using an instrument that your children left behind, be sure to take it into a repair shop to make sure that it is in excellent working condition. Some music students become frustrated because they try to learn on an instrument that no one can play.



Rent an Instrument.

Music dealers in your area rent instruments for a very reasonable monthly fee. It is usually possible to exchange for another instrument if you change your mind. Talk to your New Horizons teacher and check the yellow pages. In many cases, a music dealer has been involved in planning your local New Horizons program and will understand your special needs.



Buy an Instrument.

Once you're certain of the instrument you'd like to play, purchase one at your local music store. It is recommended that you learn the basics on a particular instrument before making a purchase.



History of the New Horizons Band®

The first New Horizons Band was started by professor Roy Ernst at the Eastman School of Music in 1991 and is currently supported by a grant from NAMM International Music Products Association® and the National Association of Band Instrument Manufacturers (NABIM). The word spread through articles in publications such as the New York Times and a feature spot on the NBC Today Show. There are now more than thirty New Horizons Bands in the United States, with many more bands and orchestras in the planning phase.

Local Information

If you don't have a New Horizons Band or Orchestra in your area, write, call or e-mail:

NAMM
5790 Armada Drive
Carlsbad, CA 92008
Tel (800) 767-6266
Fax (760) 438-7327
e-mail: namm@namm.com

Your interest may help to get a New Horizons program started in your area.

NAMM®
International Music Products Association®



5 April 2002

President George W. Bush and First Lady Laura Bush
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20502

Dear Mr. President and Mrs. Bush:

Enclosed are brochures I promised NAMM's Executive Director, Carolyn Grant of the Museum of Making Music and related programs I would send you in my next package. I spent time going thru the outstanding music museum and spoke to Carolyn about working for NAMM – no jobs now. These two brochures related to the top museum for music you may want to visit and the senior citizen program called New Horizons Band. I especially want you to know of the band program, which I feel is important to our senior citizens to keep mental and physically active with new friends.

NAMM – International Music Products Association and the Museum of Making Music is located in Carlsbad, CA above the 50 acres of the famous Flower Fields blooming now near Legoland Amusement Park. This year, The Flower Fields are planted with a large section dedicated as an American Flag. The flowers should be blooming for the next two weeks.

Another Festival of Flowers in California is Descanso Gardens in La Canada-Flintridge near Pasadena and Glendale in the San Gabriel mountain area. We lived in La Crescenta for over 30 years seven minutes away from Descanso Gardens. My aunt used to live (b)(6) one block from Descanso. Several years ago, Descanso Gardens' new buildings were dedicated by Prince Phillip of England in a large celebration. Many Queens have visited the gardens for generations with roses dedicated in their names by the International Rose Society.

It would be lovely for Mrs. Bush to choose her favorite color for a rose dedication. The scientists could make a wonderful hybrid of scent and color for this special occasion. The International Rosarium and Rose Pavilion would be a wonderful setting for this celebration and dedication. It is surrounded by tiles and bricks in the Pavilion donated by families and individuals for children and garden programs.

Our families have many tiles and one children's brick. We all grew up playing in the gardens. Now my six nieces and nephews enjoy the Easter egg hunt and

riding The Enchanted Railroad with the adults. Donated by Kathleen Kennedy producer of the E.T. movie with Steven Spielberg. 26,000 Tulips line the large lawns and pathways and the lilac grove is quite expansive with 40,000 camellias plants and an oak forest. This used to be the home and estate of the Boddy family.

A great deal of senior citizens, individuals and corporation donated time to improve the gardens. I see my second grade teacher, Mrs. Ollie Walkey at every Easter egg hunt for the last 10 years. We missed it this year for the first time. Mrs. Walkey's count this year was 1,100 children and baskets – largest day for the gardens. Tourist groups come from all over the world especially from Asia.

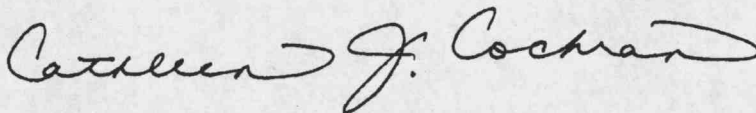
As you can tell, I am quite fond of Descanso Gardens this is where I go to think up creative ideas that make millions of dollars and improve our creative community. I enjoy walking thru all the beauty and memories the gardens hold for our families.

I was a bit tired from work and forgot to FedEx the brochures from NAMM. I hope you will visit these areas on your next swing through California. It would be wonderful to see Mrs. Bush with a beautiful display of roses dedicated to her at Descanso Gardens. Let me know if you choose this honor, our families would like to meet you both. We are very proud of our First Family.

Senator Orrin Hatch information is attached from my last package to you. I hope you will have a brief moment to call and discuss my request for a bill and new contracts for our creative community. I look forward to meeting with Senator Hatch to realize the dream to assist our recording artists and songwriters.

I look forward to your reply.

Very truly yours,



Cathleen J. Cochran

(b)(6)

Enclosures as noted above

Descanso Gardens is...

MARCH 20 - MAY 19, 2002

Festival of Flowers!

EVERY WEEKEND

Kids' Adventure Map

Self-guided tour

A map helps youngsters find fairies, gnomes and other surprises.

Discovery Station

Get Adventure Map here

TULIPS (March 20-April 21) Docents will demonstrate how to dissect tulip bulbs and flowers and will help children plant a gladiolus bulb to take home.

ROSES (April 27-May 19) Docents will share secrets of roses. Learn about the ancient history of roses and see if you can identify their many different scents.

Discovery Station sponsored by RUSNAK/Pasadena.

Guided Garden Walking Tours

Every weekend meet Docent or Descanso staff guides at the Discovery Station. Check guide for schedule.

Horticultural Spotlight

Throughout the Festival Descanso staff members will speak on a variety of subjects. Look for the  to find these valuable talks.

Enchanted Railroad

Weekends, 10 a.m. to 4 p.m.
Weekdays (March 20 to May 17) 10 a.m. to noon and 1 to 3 p.m. \$1.50

Tram Tours

Weekends, 11 a.m. and 1, 2 and 3 p.m. Weekdays, 1, 2 and 3 p.m. \$2.

Japanese Tea House

Beverage service 11 a.m. to 3 p.m. weekends only.

Gift Shop

Weekends, 10 a.m. to 4:45 p.m.
Weekdays, 10 a.m. to 4 p.m.

Café Court

Open 10 a.m. to 3 p.m. daily.

Art Gallery

Boddy House, 10 a.m. to 4 p.m. daily. Monthly exhibits feature the art of nature.

GENERAL INFORMATION

Hours

Admission 9 a.m. to 4:30 p.m. daily, except Christmas.

Admission fees

\$5 adults; \$3 youth 13-18 years and seniors 62+; \$1 children 5-12 years; members and children under 5 are free.

Accessibility

Descanso Gardens is accessible to the handicapped. Wheelchairs and baby strollers are available free of charge, first-come-first-served, at the Visitor's Center.

Restrooms

Located in Courtyard area, the International Rosarium, by the Enchanted Railroad station and at the Boddy House (see map.)

Telephones

Pay phone located behind Classroom B, off Cafe Court.

Picnic Grounds

Beside parking lot, 9 a.m. to 4:30 p.m. daily. No fires permitted.

Membership/Volunteer opportunities

Call (818) 952-4391.

Facilities Rental

Call (818) 949-4206.

Weddings/Wedding Photography

Call (818) 949-4203.

General Information

Call (818) 949-4200 or visit our web site: www.DescansoGardens.org

Come to Descanso Gardens to welcome and celebrate Spring!

Saturate your senses with the fragrance and breathtaking beauty of millions of flowers.

Watch this most beautiful season evolve through the weeks as different flowers reach their time to bloom. Explore the gardens for fairies and gnomes and other creatures of the woods. Ride the Enchanted Railroad, explore the oak forest and the Children's Garden, and learn the secrets of tulips and roses at weekend Discovery Stations.

Come to Descanso to relax and enjoy programs, performances and tours for visitors of all ages.

Explore the Gardens' many pathways...



California Native Garden
Delicate wild flowers and the distinctive fragrance of the native chaparral await your visit.



Azaleas
Throughout the forest you will find enchanting azaleas in colors that range from soft pinks and white to bright reds and purples.



Clivia
This South Africa plant lines the forest paths with waves of salmon-colored blooms. The less common yellow flower can also be found.



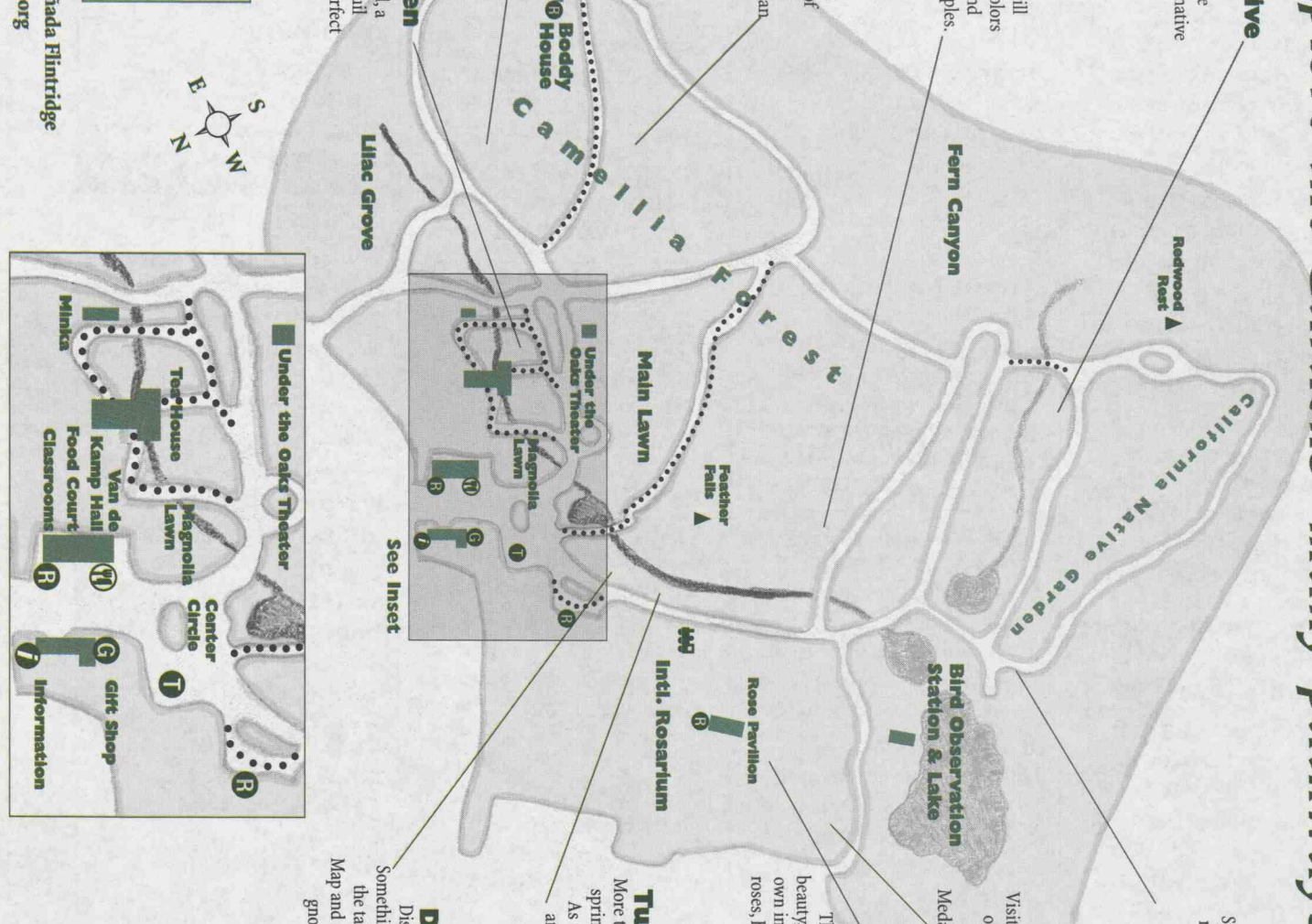
Camellias
With more than 40,000 camellia plants, the Gardens are granted a long blooming season for visitors to enjoy these elegant flowers.



Japanese Garden
Flowering cherries, dogwood, a graceful teahouse and tranquil surroundings make this a perfect place to sit and enjoy nature.

Legend

- Enchanted Railroad
- Tram Stop
- Gift Shop
- Food
- Information
- Rest Rooms
- Major Pathways
- Roads
- Waterways/Lake



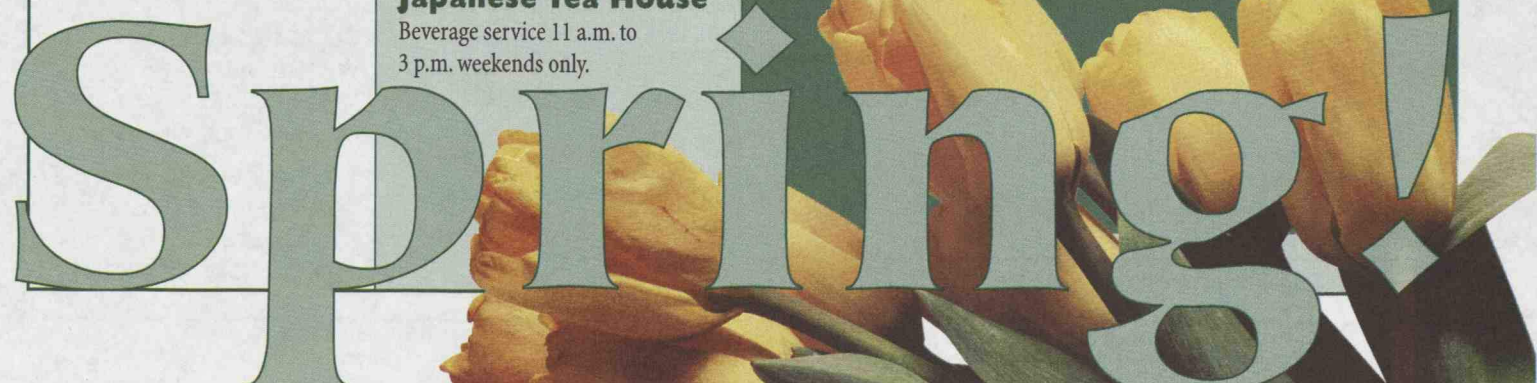
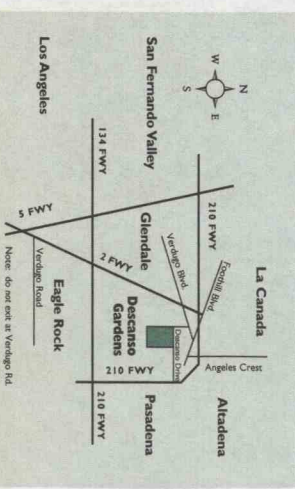
Redbud Grove
Spectacular Eastern and Western redbuds show off their stunning lavender and white blooms during Spring.

Iris Garden
Visit the largest public collection of iris in Southern California. It includes all of the "Dykes Medal" winners from 1927-2001.

International Rosarium
The definition of romance and beauty, the Rosarium comes into its own in late spring. More than 3,200 roses, historical and modern, create a magnificent sight.

Tulip Promenade
More than 26,000 bulbs create this spring's spectacular tulip display. As the tulips fade, the primrose and violas will take their turn in the sunshine.

Sundial Lawn/Discovery Table
Discover flowers, inside and out. Something fun is always happening at the table. Pick up a Kid's Adventure Map and find out where the fairies and gnomes are hiding in the garden.



9 Weekends of Delight and Discovery at Descanso

Events free with Garden admission, unless otherwise noted.

Horticulture Weekend

Saturday, March 23

9 A.M. TO 4 P.M. Judges Council Flower Show

VAN DE KAMP HALL
Stunning floral arrangements and competitions.

9 A.M. TO 4 P.M. Mt. SAC Plant Sale

MAIN LAWN
Great prices on a variety of plants grown by students of Mt. San Antonio College. A garden train will be set up for family enjoyment.

11 A.M. Secrets of Plant Propagation for the Home

UNDER THE OAKS THEATER
Robbie Walton, student manager of production, Mt. San Antonio College.

11:30 A.M. & 1:30 P.M. Walking Tours

MEET AT DISCOVERY STATION

Noon 10 Hot Perennials for Gardens in the West

UNDER THE OAKS THEATER
Kelly Kubica, adjunct professor, Mt. San Antonio College.

1 P.M. Pruning Shrubs and Trees for Flowers

UNDER THE OAKS THEATER
Dave Lannom, Agricultural Department chair, Mt. San Antonio College.

2 P.M. Creative Container Gardening Design

UNDER THE OAKS THEATER
Brian Sullivan, horticultural supervisor, Descanso Gardens.

Sunday, March 24

9 A.M. TO 4 P.M. Judges Council Flower Show

VAN DE KAMP HALL
Stunning floral arrangements and competitions.

9 A.M. TO 4 P.M. Mt. SAC Plant Sale

MAIN LAWN
Great prices on a variety of plants grown by students of Mt. San Antonio College. See the special garden train.

11 A.M. Easter Floral Arranging

UNDER THE OAKS THEATER
Fran Kapenski, floral design instructor, Mt. San Antonio College.

11:30 A.M. & 1:30 P.M. Walking Tours

MEET AT DISCOVERY STATION

Noon Showy Spring Shrubs

UNDER THE OAKS THEATER
Tim Thibault, curator, Descanso.

1 P.M. Garden Trains: Get On Board

UNDER THE OAKS THEATER
Dave Lannom, Agricultural Department chair, Mt. San Antonio College.

2 P.M. Welcoming Gardens for Birds, Bees & Butterflies

UNDER THE OAKS THEATER
Chris Walton, student foreman of the Mt. San Antonio College greenhouse.

3 P.M. Secrets of Plant Propagation (IN SPANISH)

UNDER THE OAKS THEATER
Jesus Ramirez, greenhouse & nursery foreman, Mt. San Antonio College.

Easter Weekend

Saturday, March 30

9:30 A.M. TO 2:45 P.M. Easter Egg Hunts

MAIN LAWN
\$3. First-come first-served. New hunts every 45 minutes, at 9:30, 10:15, 11 and 11:45 a.m., and 12:30, 1:15, 2 and 2:45 p.m. Baskets and candy for every child in the hunt.

9 A.M. TO 1 P.M.

Easter Brunch

VAN DE KAMP HALL
Reservations required. Call (818) 952-4408. Guild members: \$18 adults, \$14 children under 10. General public: \$20 adults, \$14 children under 10.

11:30 A.M. & 1:30 P.M. Tulip & Other Bulbs

MEET AT DISCOVERY STATION
Brian Sullivan, horticultural supervisor, will lead a tour of the promenade, point out his personal favorites and explain how Descanso grows tulips.

Sunday, March 31

11:30 A.M. & 1:30 P.M. Walking Tours

MEET AT DISCOVERY STATION

Lovely Lilacs

Friday, April 5

1:15 P.M. International Lilac Society Lilac Auction

ROSARIUM

Saturday, April 6

10 A.M. TO 2 P.M. Lilac Sale

LILAC GROVE
Hundreds of specially-grown lilacs, including many developed at Descanso.

10 A.M. TO 4 P.M. Experts in the Grove

LILAC GROVE
Tim Thibault, Gardens curator, will be on hand to guide you among and talk about lilacs.

10:30 A.M. & 12:30 P.M. Walking Tours of the Lilac Grove

LILAC GROVE

11:30 A.M. & 1:30 P.M. Walking Tours of the Gardens

MEET AT DISCOVERY STATION

Sunday, April 7

10 A.M. TO 2 P.M. Lilac Sale

LILAC GROVE
Hundreds of specially-grown lilacs, including many developed at Descanso.

10 A.M. TO 4 P.M. Experts in the Grove

LILAC GROVE
Lilac volunteers will be on hand to guide you among and talk about lilacs.

10:30 A.M. & 12:30 P.M. Walking Tours of the Lilac Grove

LILAC GROVE

11:30 A.M. & 1:30 P.M. Walking Tours of the Gardens

MEET AT DISCOVERY STATION

Organ Rally Weekend

Saturday, April 13 Sunday, April 14

9 A.M. TO 3:30 P.M. Organ Music

THROUGHOUT THE GARDENS
Fabulous, fanciful organs will fill the gardens with music.

11:30 A.M. & 1:30 P.M. Walking Tours

MEET AT DISCOVERY STATION

Spring Plant Sale

Friday, April 19 & Saturday, April 20

**9 A.M. TO 4 P.M.
LAKEHOUSE NURSERY**
A wonderful variety of plants from the Descanso Plant Propagation program will be available for sale, and plant prop volunteers will be on hand to offer advice to make plants thrive.

Around the World at Descanso

Saturday, April 20

1 TO 4 P.M. Rose Show

VAN DE KAMP HALL
The San Fernando Valley Rose Society will exhibit hundreds of roses and sell bouquets.

10 & 11:30 A.M. Walking Tours in Korean

MEET AT CENTER CIRCLE

10:30 A.M. & Noon Walking Tours in Japanese

MEET AT CENTER CIRCLE

Noon & 3 P.M. Walking Tours in Chinese

MEET AT CENTER CIRCLE

1 P.M. Korean Dance Academy

UNDER THE OAKS THEATER
Beautifully costumed dancers from the Korean Dance Academy of Los Angeles and Glendale will perform the graceful dances of their native land.

Sunday, April 21

9 A.M. TO 3 P.M. Rose Show

VAN DE KAMP HALL
The San Fernando Valley Rose Society will exhibit hundreds of roses and sell bouquets.

11:30 A.M. & 2 P.M. Walking Tours in Spanish

MEET AT CENTER CIRCLE

Noon & 2:30 P.M. Walking Tours in Armenian

MEET AT CENTER CIRCLE

1 P.M. Djanbazian Dance Academy

UNDER THE OAKS THEATER
Djanbazian Dance Academy students will perform traditional Armenian dances in elegant costumes.

Rose Revel Weekend

Saturday, April 27

11:30 A.M. & 12:30, 1:30 & 2:30 P.M. Tours of the Roses

INTERNATIONAL ROSARIUM
Docents and Friends of the Rosarium will guide you through the fragrant world of roses, both modern & historic.

11 A.M. TO 3 P.M. Rose Display/Information

INTERNATIONAL ROSARIUM
Information tables will have displays of colorful roses and companion plants.

2 P.M. All About Roses

ROSE PAVILION
Rosarium Horticulturist Wen-Pih Wang will teach disease prevention and deadheading roses.

3 P.M. Companion Plants

ROSE PAVILION
Horticultural Supervisor Brian Sullivan will show and explain how to use companion plants to enhance your rose garden.

Sunday, April 28

11 A.M. TO 3 P.M. Rose Display/Information

INTERNATIONAL ROSARIUM
Information tables will display roses and companion plants.

2 P.M. Arranging Garden Flowers

ROSE PAVILION
Docent and Rosarium volunteer Theresa Carson will show how to bring your flowers indoors in the most imaginative and lovely ways.

3 P.M. Caring for Roses

ROSE PAVILION
Rosarium Horticulturist Wen-Pih Wang will teach disease prevention and deadheading roses.

Here's to Our Heritage

Saturday, May 4

11:30 A.M. & 1:30 P.M. Chaparral Tours

MEET AT THE PROMENADE
Descanso Executive Director Richard Schulhof will lead these educational tours of the native chaparral along the perimeter of the Gardens.

2 P.M. Folkloric Dance Ensemble

UNDER THE OAKS THEATER
Students of the Folklorico Dance Ensemble of the Plaza de la Raza School of Performing and Visual Arts in Los Angeles, will bring the beauty and energy of traditional Mexican folkloric dances to the Gardens.

11 A.M. TO 3 P.M. Rose Display/Information

INTERNATIONAL ROSARIUM
Information tables will have displays of colorful roses and companion plants.

2 P.M. All About Roses

ROSE PAVILION
Rosarium Horticulturist Wen-Pih Wang will teach disease prevention and deadheading roses.

2 P.M. Mariachi Concert

UNDER THE OAKS THEATER
Mariachi Sol de America, a group of professional master mariachis will entertain. Members are teachers as well as practitioners of this traditional Mexican music form.

Mother's Day Weekend

Saturday, May 11

9 A.M. TO 4 P.M. Intl. Geranium Society Plant Show & Sale

CAFÉ COURTYARD
The region's largest selection of geraniums and pelargoniums will be exhibited and sold.

11:30 A.M. & 1:30 P.M. Walking Tours

MEET AT DISCOVERY STATION

Sunday, May 12

9 A.M. TO 4 P.M. Intl. Geranium Society Plant Show & Sale

CAFÉ COURTYARD
The region's largest selection of geraniums and pelargoniums will be exhibited and sold.

9:30 A.M. TO 12:30 P.M. Mother's Day Brunch

ROSE PAVILION & BODDY HOUSE
A sumptuous brunch will honor guests in the most gracious way. With a choice of two beautiful locations, you can create the perfect celebration for your family. Reservations required. Guild members: \$27 adults, \$15 children 10 and younger. General public: \$35 adults, \$17 children 10 and younger. Payment due at time reservations are made.

Call (818) 952-4408 or (818) 952-4405.

10 A.M. TO NOON Madrigal Singers

THROUGHOUT THE GARDENS
Descanso welcomes the madrigal group The Occasional Consort for a strolling concert.

11 A.M. & 1 P.M. Harp Concert

UNDER THE OAKS THEATER
Glendale harpist Carol Tatum, recording artist, songwriter and producer will perform.

1 TO 4 P.M. Meet the Author Susie Coelho

MAGNOLIA LAWN
Susie Coelho's new book *Susie Coelho's Everyday Styling, Easy Tips for Home, Garden and Entertaining*, offers a liberating plan for infusing personal style into readers' homes and gardens.

This Mother's Day appearance is a great opportunity to meet Susie, chat about your garden and purchase an autographed copy of her beautiful new book. The book, and the visit, would be a great Mother's Day gift.

1:30 P.M. Walking Tour

MEET AT DISCOVERY STATION

Violets Everywhere

1:30 P.M. Walking Tour

MEET AT DISCOVERY STATION

Saturday, May 18

9 A.M. TO 4:30 P.M. African Violet Show & Sale

VAN DE KAMP HALL
Plant show & sale, with intermittent classes on the care of African violets, is sponsored by the Montrose and Burbank African Violet Societies.

11:30 A.M. & 1:30 P.M. Walking Tours

MEET AT DISCOVERY STATION

1 P.M. Scottish Dancing

UNDER THE OAKS THEATER
Dancers in costume will perform lively Scottish dances. Sponsored by the San Gabriel Valley Scottish Dance Society.

11 A.M. TO 3:30 P.M. African Violet Show & Sale

VAN DE KAMP HALL
Plant show & sale, with intermittent classes on the care of African violets, is sponsored by the Montrose & Burbank African Violet Societies.

11:30 A.M. & 1:30 P.M. Walking Tours

MEET AT DISCOVERY STATION

1 P.M. Irish Step Dancing

UNDER THE OAKS THEATER
Cleary School of Irish Dance will show the intricate steps of this popular ethnic dance at a lively concert.

BRETT

This correspondence was recently found although it was originally received

8/16/01

If you like to respond to it, please take appropriate action. If you would not like to respond, please place a "NRN" on the line below & return to me.

Thank you.

Patrick

NRN

Document Original
Attached to
Following Page

**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

ID# 493041
PAGE 1

DATE RECEIVED: 08/14/2001

NAME OF CORRESPONDENT: THE HONORABLE NELSON W. WOLFF

SUBJECT: REQUEST PRESIDENT TO SUPPORT BANKRUPTCY REFORM BY VOTING IN FAVOR OF THE BILL WHICH ULTIMATELY COMES OUT OF THE BANKRUPTCY CONFERENCE COMMITTEE, & BY TELLING EACH OF THE HOUSE CONFEREES HOW IMPORTANT PASSAGE OF BANKRUPTCY REFORM IS TO TEXAS

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION		
		ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
COUNSEL TO THE PRESIDENT	ALBERTO GONZALES	ORG	2001/08/14			
ACTION COMMENTS						
BRET						
ACTION COMMENTS:						
ACTION COMMENTS:						
ACTION COMMENTS:						

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODE:

ACTION CODES:

A - APPROPRIATE ACTION
C - COMMENT/RECOMMENDATION
D - DRAFT RESPONSE
F - FURNISH FACT SHEET
I - INFO COPY/NO ACT NECESSARY
R - DIRECT REPLY W/ COPY
S - FOR SIGNATURE
X - INTERIM REPLY

DISPOSITION CODES:

A - ANSWERED
B - NON-SEPC-REFERRAL
C - COMPLETED
S - SUSPENDED

OUTGOING CORRESPONDENCE:

TYPE RESP = INITIALS OF SIGNER
CODE = A
COMPLETED = DATE OF OUTGOING

REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOP) EXT-62590

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.

Forza



163199
493041

NELSON W. WOLFF
COUNTY JUDGE
BEXAR COUNTY COURTHOUSE
SAN ANTONIO, TEXAS 78205-3036
(210) 335-2626 - FAX (210) 335-2926

August 6, 2001

The Honorable George W. Bush
The White House
Washington, DC 20500

Dear Mr. President:

I am writing to ask you to support bankruptcy reform by voting in favor of the bill which ultimately comes out of the Bankruptcy Conference Committee, and by telling each of the House conferees how important passage of bankruptcy reform is to Texas.

As you know, the Bankruptcy Code as currently written contains many provisions, which inhibit and put at risk the collection of local government revenue. Literally millions of dollars needed to fund education, public safety, and other programs have been lost due to these provisions. As currently written, the Bankruptcy Code most adversely impacts local governments in states such as Texas which rely primarily on ad valorem property taxes to finance schools, police and fire departments, and other municipal services. The current Code allows bankruptcy courts almost unfettered discretion to reduce taxes although the amounts have long been final under state law. It provides for certain claims to be paid ahead of secured tax claims in contravention of state laws regarding lien priority; and it allows debtors to force local governments to be unwilling lenders financing their reorganization at interest rates below those set under state law.

Both the House and Senate versions of the bankruptcy reform bill contain provisions that give greater recognition and authority to applicable state and local laws. These provisions level the playing field and allow governmental creditors to compete on an even footing with other creditors for the limited money available from a bankrupt entity. The enactment of these provisions is supported by the National League of Cities, the National Association of Counties, and the National Association of County Treasurers and Finance Officers.

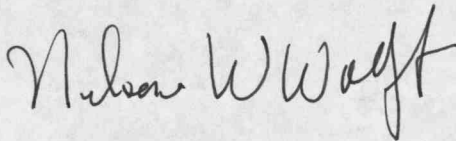
I understand that you may be concerned with the provisions that attempt to limit or cap the state homestead exemption for individuals in bankruptcy. I urge you to work with the House conferees to come up with a compromise on this issue which is fair to both homeowners and creditors. Texas is one of the states whose citizens are most harmed by the current Bankruptcy Code through loss of local government revenue, and it would be unfortunate if, due to its legislators inability to reach a compromise, an overall reform bill did not pass.

10/8707

The Honorable George W. Bush
August 6, 2001
Page 2

Thank you for your support of bankruptcy reform. If you require further information regarding the effect of the Bankruptcy Code on local governments, please do not hesitate to contact me or Elizabeth Weller of Linebarger Heard Goggan Blair Graham Pena & Sampson, LLP. Ms. Weller can be reached at (214) 880-0089 (ext. 2546), 2323 Bryan Street #1720, Dallas, TX 75201.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nelson W. Wolff". The signature is fluid and cursive, with the first name "Nelson" written in a larger, more prominent script than the last name "Wolff".

Nelson W. Wolff

cc: Carri Baker Wells
Heard Linebarger Graham Goggan Blair Pena & Sampson, LLP
711 Navarro, Suite 300
San Antonio, TX 78205

NW/km

No
response
necessary.
Brett
Kanner

2 April 2002

President George W. Bush and First Lady Laura Bush
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20502

Dear Mr. President and Mrs. Bush:

Recently, I wrote to Senator Orrin Hatch to assist me in writing a bill and contracts for your approval to help protect the rights of recording artists and songwriters in the film and music industries. I am requesting a brief telephone conversation with Senator Hatch to achieve this goal of balance by asking you and The First Lady for support. Enclosed is the letter to Senator Orrin Hatch.

A copy of Senator Hatch's letter was faxed to Alberto L. Gonzales, Counsel to The President. Mr. Brett Kavanaugh, Associate Counsel to the President responded with the enclosed letter dated 25 March 2002.

Within the last month, I have contacted a top music management firm to assist me with putting together a complete package for the President and First Lady's support.

I believe this bill and contracts could help our Republican Party before the elections in November. It would send a positive message to our youth and artists of our nation. Senator Orrin Hatch is a moral man, a songwriter and seats on the US Senate Judiciary Committee. I feel I would be able to present an outline and assist Senator Hatch with drafting this bill and package.

My corporate sponsor, Wedbush Morgan Securities at 1000 Wilshire Boulevard in Los Angeles, CA 90017 has requested since last year a total cost of this proposal and package plus attorney fees. It would be a shame to not realize a positive effort to assist our creative community. Please contact Earl Ira Feldhorn at (213) 688-8020.

Enclosed are newspaper articles. File sharing on the Internet seems to be a major problem I hope it can be addressed. Please refer to the Newsweek article on March 11, 2002 page 65, and Billboard newspaper on March 30, 2002 (front page and page 22).

Every January, I attend the NAMM show in L.A. and Anaheim. NAMM is the National Association of Music Merchants located in Carlsbad, CA. Karl Bruhn, retired National Marketing Director, and I worked on arts and music education and music equipment programs for the schools. Karl used my proposal to put

together the National Coalition of Music Education during the Clinton years. The program is now with the Grammy organization (NARAS); and VH1 and NAMM are paired together for arts and music education programs. My proposal had an industry wide effect on improving the quality of life for our creative community.

At these NAMM shows, I educate myself on new products and technology. Technology is capable of stopping theft by encoding CDs and DVDs (film and music). I believe it should be used industry wide. Jack Valenti, Chairman and CEO of MPA (Motion Pictures Association of America) stood in front of the US Senate Judiciary Committee on 3 April 2001 and spoke of this problem with the film industry. Recently, I have spoken with Jack Valenti to join forces together to achieve more balance with artists' rights in the film and music industries.

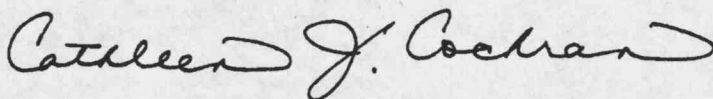
Computer companies should not be selling CD burners with new computers. This promotes theft on a massive scale. Everything could be pulled overnight across America from all stores and mass markets. File sharing could be blocked and outlawed with heavy fines on the Internet to protect artists and entertainment companies.

Another area of concern is used CDs and DVDs sold at Wherehouse and other stores next to new product nearby. These stores increase high profit margins by using customer's trade-ins for recycle programs; and not for artists and entertainment companies financial and copyright rights. This is a major problem in USA and Japan as noted in the International section page 55 of Billboard newspaper March 30, 2002. It is understandable to artists for small stores carrying old vinyl records in neighborhood, but not chain stores.

These are some of the points to be addressed with my original plan in three areas: 1) Copyright Laws, 2) Internet (royalties) and 3) Contracts – Recording, Management, Publishing and other related contracts.

Your assistance with Senator Orrin Hatch would improve the well being of our creative community. Thank you for your attention to this matter. I look forward to your reply.

Very truly yours,



Cathleen J. Cochran

(b)(6)

Enclosures as noted above

13 March 2002

Copy

Senator Orrin Hatch
Senate Judiciary Committee
224 Dirksen Building
Washington, D.C. 20510

VIA FAX

Dear Senator Hatch and US Senate Judiciary Committee:

I am requesting your assistance in helping me write a bill and new contracts with my mission to improve the rights and quality of life for recording artists, songwriters and future generations.

My first contact with your offices was in 2000 and 2001. My original idea for three areas covered: 1) Copyright Laws, 2) Internet (royalties) and 3) Contracts – Recording, Management, Publishing and other related areas were presented to the US Senate Judiciary Committee before the 3 April 2001 hearing.

Since then, my proposal has been accepted by the film and music industries as the plan. I have spoken with Mr. Jack Valenti, Chairman/CEO of the Motion Picture Association of America to join forces. The recording artists and songwriters have wished me the best in my efforts to continue my work.

Don Henley was asked to speak as my spokesperson in the Fall of 2000 and 2001. After collecting my efforts for this mission of joining our creative community, he betrayed me. He demanded all documents, phone lists of contacts and told me I was not needed – he would take over. Since then, he uses my proposal and efforts to further his Recording Artists Coalition and enjoys his name in the newspapers as the savior of this cause.

I quietly went about my mission and sent updates to President Bush and his legal counsel. My corporate sponsors and I wish to make my original plan a reality for President Bush to sign into law.

Please send me a detailed financial breakdown bill for writing this bill, new contracts and legal costs for my corporate sponsors consideration of a reasonable total cost outline to present to their Board of Directors.

I believe this bill and contracts would help you and our fellow Republicans during an election year. Mr. Henley has gone Democrat. I am willing to use my ideas to work with all parties – politicians, film and music executives and our creative community.

My past ideas in the creative community have made artists and record companies millions of dollars. Ray Charles and Michael Bolton pairing for the Ray Charles 50 Years In Music Special in 1991. Celine Dion and Michael Bolton pairing for two World Tours grossing 70 million plus hundreds of millions in album sales. And my charities for arts and music education and music equipment program for schools nationally and internationally at NARAS as The Grammy Foundation and VH1 as Save The Music.

I am a good role model to our music industry of someone who has dedicated fourteen years of hard work to benefit our creative community and society. I can only hope you will give me the opportunity to continue and be accepted for my mission to assist our recording artists, songwriters and future generations.

Thank you for your attention to this matter. I look forward to your reply.

Very truly yours,



Miss Cathleen J. Cochran

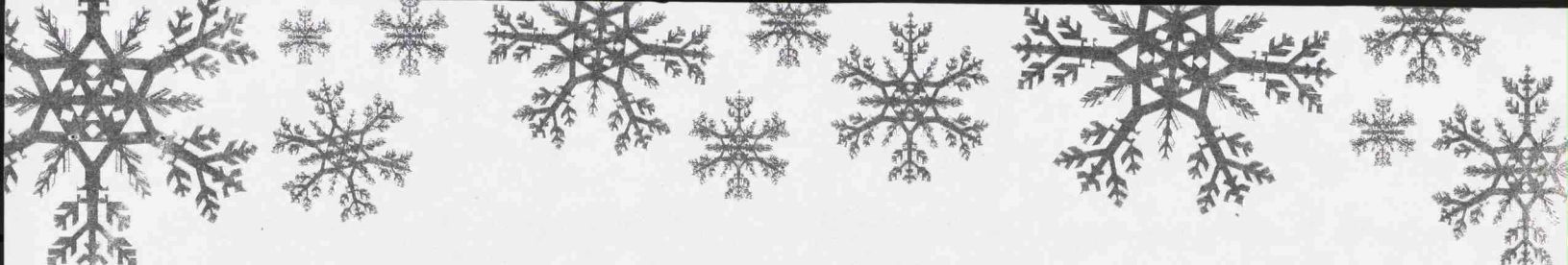
Founder

New Address:

(b)(6)

Enclosures

CC: President George W. Bush
Alberto L. Gonzales
Counsel to The President



1 December 2001

TO OUR NATIONAL AND INTERNATIONAL TREASURES:

The White House General Counsel attorneys are considering my proposal for a bill and new contracts to assist our creative community. As you know, President Bush sent me a kind letter on my mission to protect the financial future of songwriters and recording artists.

Legal costs to complete this goal will be paid by a Los Angeles stock brokerage house and other entertainment companies in the concert area field. These corporations have been promised advertising space for their charitable donations.

My plan is the same proposal sent to President George W. Bush and to the US Senate Judiciary Committee (Chairman Orrin G. Hatch) before the 3 April 2001 hearing where my plan was spoken about by Don Henley and Alanis Morissette regarding Recording Contracts. The three areas are the following: 1) Copyright Laws 2) Internet (royalties) and 3) Contracts – Recording, Management, Publishing and other related contracts. If your contracts change, all three areas will be affected in my plan.

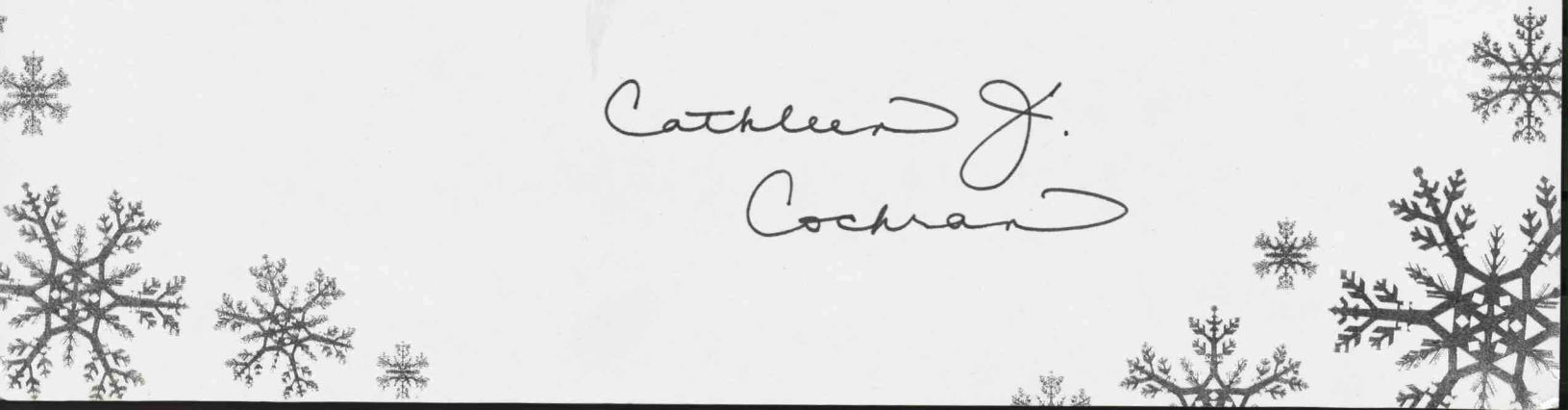
The Recording Artists Coalition and Don Henley have adopted my plan this last year. My wishes are to serve the artists and songwriters. I am willing to speak publicly about my mission once The White House and I complete the form of a bill and new contracts.

Over the last fourteen years, my efforts have been to improve arts and music education and music equipment programs for schools: The Grammy Foundation and VH1's Save The Music. These charities are some of the most successful charities nationally. It has given me great pleasure to know that future musicians, songwriters and recording artists may arise from your guidance as professionals. I hope you will continue to share your gifts and business knowledge.

It is now your responsibility to future generations as our creative community to join forces to protect the lifeblood of our industry. My main goal is to protect the songs and master recordings. This act will protect your future income and your families' interest regarding long term funds, which you rightfully earned by your efforts.

God's speed to our Navy flyers and military forces in the Middle East. Wishing you and your family a wonderful Christmas and holiday season!!!

*Cathleen J.
Cochran*



THE WHITE HOUSE
WASHINGTON

March 30, 2001

Mrs. Cathleen J. Cochran

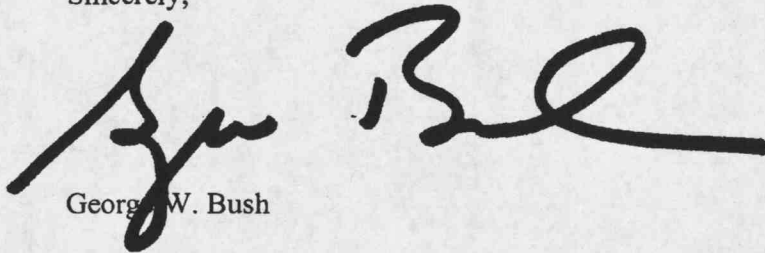
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Dear Mrs. Cochran:

Thank you for letting me know your views. I welcome information from Americans across the country, and I value your input.

I am confident that we, as a Nation, can put our differences aside and work together in a spirit of bipartisan cooperation to do what is in the best interest of all our citizens.

Sincerely,



George W. Bush

15 October 2001

Mr. Brett Kavanaugh
Associate Counsel
The White House Counsel Office
1600 Pennsylvania Avenue
Washington, D.C. 20500

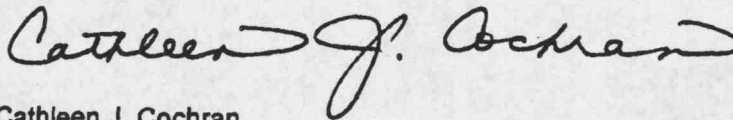
VIA FAX

Dear Mr. Kavanaugh:

My corporate sponsors and I are seeking your assistance on the protection of recording artists and songwriters in the international creative community. My goal is to write a Copyright, Internet and Contracts bill and package before the holidays. Enclosed are letters from President Bush, Noel Francisco (Assistant Counsel), Mark Hanson (Michael Jackson's attorney) and my recent request to Charles Shephard (Entertainment litigation attorney from a top entertainment firm in Los Angeles).

Please consider assisting us in this positive movement to protect our creative community. Thank you for your attention to this matter. I look forward to your reply.

Very truly yours,



Cathleen J. Cochran

(b)(6)

Enclosures as noted above

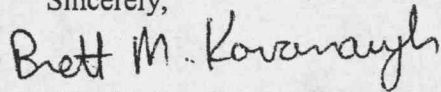
THE WHITE HOUSE
WASHINGTON

March 25, 2002

Dear Ms. Cochran:

We are aware of your many letters and messages to White House officials requesting legal and other services for your proposed entertainment project. Please be advised that we will be unable to assist you with your project. We thank you for your inquiries.

Sincerely,



Brett M. Kavanaugh
Associate Counsel to the President

Ms. Cathleen J. Cochran

(b)(6)

The SCOUT

EW'S FIELD GUIDE TO THE NEXT NEW THINGS

Game Boys

This Saturday, a dozen guys are going to waste each other. No, it's not a local fight club, but the latest in macho tech: a *Halo* Party. Played with the alien-splattering videogame *Halo*, Xbox's best seller, the parties involve up to 16 people simultaneously connected to four Xbox game consoles (with system link cables). Players team up for car-



nage-filled rounds of virtual games like Capture the Flag or Slayer. The thrill? "You hear the agony of the person you just killed," says Sega.com design manager Josh Milligan, who powered up the effects for a recent gathering by hooking the Xboxes to projectors and plugging the game into surround-sound systems. "I have a ton of friends who are asking about the next [party]." —Noah Robischon

THE SHAW REPORT by Jessica Shaw

IN	FIVE MINUTES AGO	OUT
"Man"-icures	Getting a straight-edge shave	Male waxing
Hartnett hair	D'Angelo abs	Mel's butt
Men who do yoga	Men who cook	Men who sew
Rooting for Joey and Rachel	Rooting for Ross and Rachel	Monica and Chandler

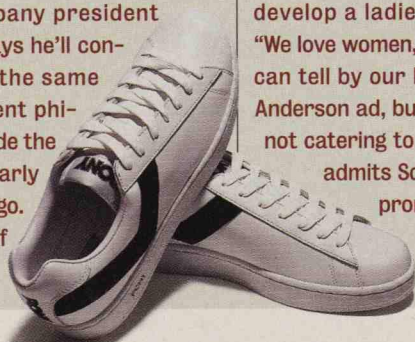
Pony Kicks

Look out, Adidas. Move over, Puma. After an absence of more than 10 years, Pony is trotting its way back onto shoe shelves and basketball courts. Rock and rap stars like Linkin Park, Fred Durst, and Enrique Iglesias have all snapped up the retro duds, and company president David Schulte says he'll continue peddling the same antiestablishment philosophy that made the brand a star nearly three decades ago. "The heyday of Pony was 1977

to 1985...and we're going right back to that vibe," says Schulte. "We're not going to do anything mainstream. We're irreverent, hardcore, and authentic." The company is also not looking to develop a ladies' line. "We love women, as you can tell by our Pamela Anderson ad, but we're not catering to them,"

admits Schulte. "One thing I can promise you'll never see is a yoga line."

—Nicholas Fonseca



IGLESIAS



DURST



GIMME SHELTER

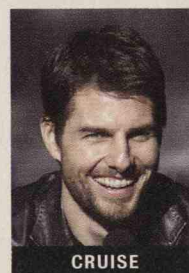


Chez Lagasse! 3 BR, 2.5 BTH condominium on Manhattan's Upper East Side **PRICE** \$2.2 million.

Bam!—happy chef and flash-in-the-pan sitcomer Emeril Lagasse has a new Big Apple abode. The Food Network celeb's primary residence is still in New Orleans, but Lagasse already feels at home in the 38-story building that was built two years ago. Before buying his 1,780-square-foot flat, he leased an \$8,000-per-month unit there. Lagasse's new pad includes hardwood floors, a marble bathroom and foyer, a study, and use of the building's roof garden and fitness center. (Citi Habitats real estate repped Lagasse.) As for the galley, alas, it's a bit small. —Tricia Johnson

Top Gum

During a recent trip to his kids' dentist, **Tom Cruise** learned his bite was misaligned and braces were in order. Faster than you can say "railroad tracks," the 39-year-old was outfitted with a pair. "Anything that's out of balance tends to become worse as you get older," explains adult-orthodontics specialist Dr. John White of Cleveland's Case Western Reserve University. "That's probably what they said to him, because I don't think anybody would say to Tom Cruise, 'Hey, your smile needs work!'" Will Cruise, whose transparent gear will be removed during film shoots, do for braces what he did for Ray-Bans? Says White: "Anything Tom Cruise does filters out." —Missy Schwartz



CRUISE



DEAR JURISPRUDENCE (1) Legal Eagle Henley; (2) No Doubt's Gwen Stefani; (3) Radiohead's Thom Yorke, left, with Beck



Protest Singers

CONTROVERSY Fed up with music-biz politics, superstar artists fight for their right to parity. by Brian Hiatt

POP STARS OF THE WORLD, UNITE! THAT, more or less, is the manifesto of the Recording Artists' Coalition (RAC), a collective of music stars who say they want a revolution. The group, which has spent the last two years fighting for laws to create a more artist-friendly music biz, fired its biggest salvo yet on Feb. 26, with a set of pre-

Grammy shows—dubbed the Concerts for Artists' Rights—held simultaneously at four Southern California venues. Beck, Sheryl Crow, the Eagles,

No Doubt, Eddie Vedder, Weezer, the Dixie Chicks, Billy Joel, and other rockers-cum-lobbyists grossed an estimated \$2.7 million toward a war chest for

future legislative battles.

"I think probably just about every group of workers has its own representation, whether you're talking about auto workers or strawberry pickers or whatever," says Offspring frontman Dexter Holland (whose multiplatinum band hasn't had to pick many strawberries lately). "But there's [been] no real group like that for musicians." The RAC's roughly 140 members, who also include Bruce Springsteen, Christina Aguilera, and Alanis Morissette, plan

to take their case for recording-industry reform to the halls of Congress and state legislatures.

Don Henley and Sheryl Crow founded the RAC in 2000 in response to a quietly passed U.S. copyright law classifying recordings as works-for-hire, a change that artists believed would prevent them from ever recovering ownership of their music. The RAC convinced Congress to overturn the offending law and has since gained momentum in the face of increasing consolidation of labels, radio stations, and concert promoters; battles over revenue from online-music services; and claims that the industry consistently underpays royalties (a charge made by both Courtney Love and the Dixie Chicks in still-pending lawsuits; their former labels deny it).

"This isn't disgruntled, bitter

musicians who have nothing better to do," says RAC member Beck. "This is just getting to the point where we've seen enough, where it's unconscionable not to speak up—it's a point of integrity." Disgruntled or not, the loud mooing of cash cows is hurting ears at the five major music conglomerates (Sony, Universal, BMG, EMI, and Warner, which shares a corporate parent with EW). The companies already face declining sales, a run of high-profile flops, and teens who see songs as little more than freely downloadable data. "It's always been kind of hip for artists to trash their record companies—it's sort of the rock & roll mentality," says Hilary Rosen, president of the Recording Industry Association of America (RIAA), the record companies' lobbying group. "But...these days, the public griping about money just gives fans the excuse they're looking for to justify their downloading of music."

Rosen says the formation of the RAC is "great"; she just wishes its members would use their clout to fight Internet pirates and other foes common to labels and artists. But for now, their top priority is less compatible with the RIAA's interests; the artists' group is trying to restrict how long acts can be bound to labels. The first step: lobbying the California state legislature to overturn an RIAA-endorsed amendment that effectively exempts musicians from a state law limiting personal-services contracts to seven years.

"It seems pretty obviously discriminatory," says Holland. The music industry disagrees, pointing out that contracts dictate the number of albums to be delivered, not a period of time. "Look at Peter Gabriel," says Miles Copeland, president of Universal-distributed Ark 21

Records. "He's a wonderful man, incredibly talented—but it takes him five years to make a record."

There's already a bill in the California senate on the seven-year issue (Henley and Crow led a field trip to Sacramento in January to lobby lawmakers), and the RAC hopes to persuade Congress to enact a seven-year rule nationwide. Meanwhile, if the courts rule for Love, whose suit against Universal also challenges California's contract-limit exemption, it could set a precedent affecting all artists, argues her lawyer, A. Barry Cappello. The RAC also plans to fight for further changes in copyright law, and to support penalties to prevent what it sees as the pervasive short-changing of royalties. "That's a stupid charge," says Rosen. "I don't think anyone can or wants to justify cheating, but broad charges are not productive."

Right or wrong, the RAC's mission will take time, and more importantly, funding—which is what the concerts were all

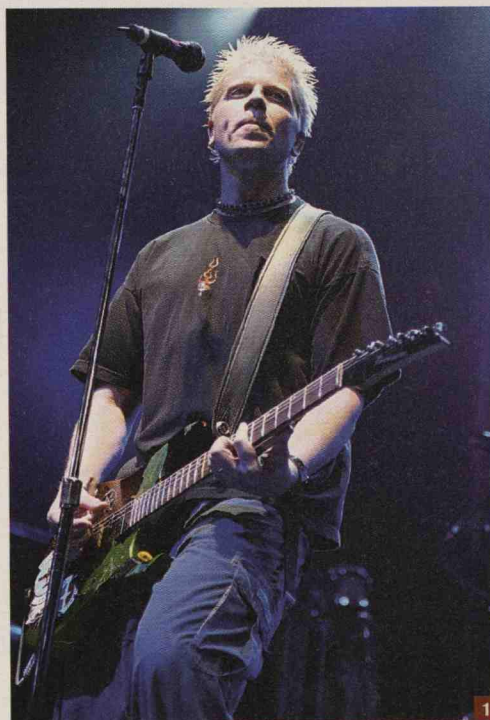
about. "From what I know, Don Henley and Sheryl Crow put out hundreds of thousands of dollars out of their own pocket," says Beck. "To get bills written, it costs a lot of f---in' money. I don't know if you've been to the headquarters of any of the five multinational record companies recently, but their offices look a hell of a lot better than my house. We have a mighty giant to contend with." (Reps from the major labels declined to comment for this story.)

But the idea of rich rock stars throwing concerts for their own benefit doesn't sit well with some. Says Elvis Costello, who considered performing but ultimately declined: "There are an awful lot of other things in the world that you could lend your energies to which are not about 'I'm me and give me some more money'... I just did the Concert for a Landmine Free World, and in the long run that seemed a little bit more important."

RAC artists protest, however, that they're not just looking

to boost their bottom line. Holland, for instance, says he has no immediate stake in a contract limit because his band is close to fulfilling its label deal. "The Dixie Chicks are doing this for the next generation," says Simon Renshaw, the Chicks' manager. Ark 21's Copeland calls that argument "utter nonsense," insisting that by cutting successful artists' contracts short, a seven-year limit would end up starving labels of the revenue that supports young acts.

In any case, the battle's on. The RAC's issue slate is expanding and Beck says more benefit concerts are likely. Still, expect a few dissonant notes in the all-star chorus of "Solidarity Forever." "It's not that I don't believe in the cause," says Melissa Etheridge, who's listed as an RAC member. "But I have deeper issues that I'm fighting for. When I call the congressman, it's going to be 'Dammit, let me get married.'" ■ (Additional reporting by Chris Willman and William Keck)



ARTISTS FOR ARTISTS' SAKE (1) Holland and (2) Crow mount a big RAC attack at two venues



This Car Costs Over a Buck!



Terry
Bradshaw

Kerry
Earnhardt

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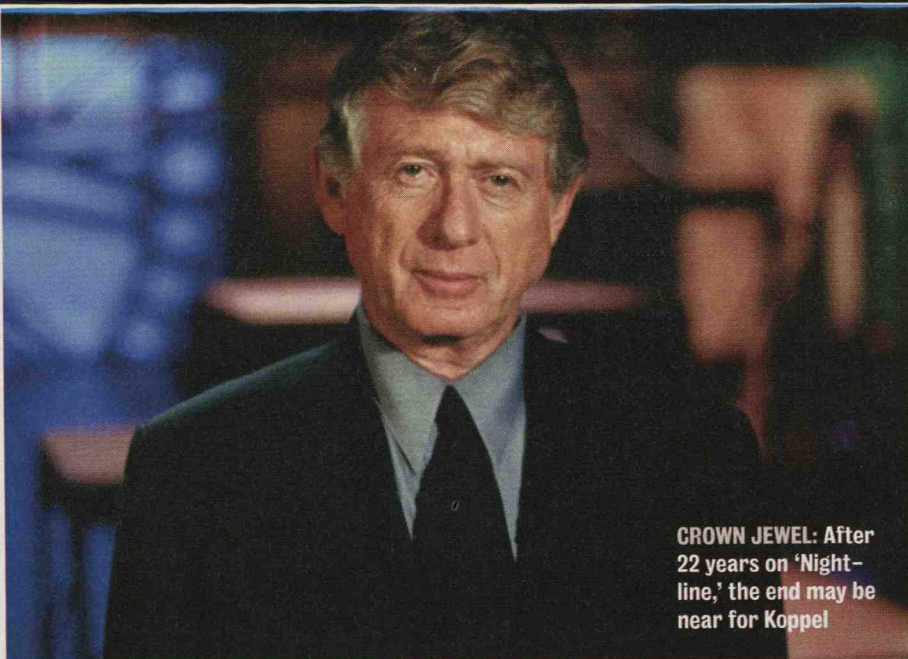
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CROWN JEWEL: After 22 years on 'Nightline,' the end may be near for Koppel

David Letterman eyes ABC, setting off a fight for 'Nightline' and the soul of a venerable news division

Stupid Network Tricks

BY DAVID FRANCE AND MARK HOSENBALL

DAVID LETTERMAN HAS THE ITCH again. After nine years of riffing on his bosses at CBS, "The Late Show" host has been quietly negotiating to relocate his home office to ABC. So quietly, in fact, that few people at the alphabet network had any idea—least of all Ted Koppel, whose "Nightline," an ABC News milestone, would be semiretired to make room for Letterman. Senior ABC executives say Koppel and ABC News chief David Westin were never consulted on the long-running show's fate and only learned of the contemplated shuffle from a reporter last week. Livid, they reportedly spent last weekend devising defensive action. "There were a lot of tears, needless to say," says an ABC News insider. "'Nightline' is the god in the news division. This is like Armageddon to them. That they would be axed for a lighthearted comedy?"

Behind ABC's potentially stupid management tricks is one clear message: the news division is slipping further out of favor with Disney, which bought the network in 1995. There have been earlier hints. Last year, Disney yanked "20/20" off Friday, briefly replacing Barbara Walters' show with the weepy drama "Once and Again." The other ABC News stars squawked until the decision was reversed. But "Nightline," more than any other ABC show, has seemed sacrosanct. It has ruled the 11:30 p.m. time slot

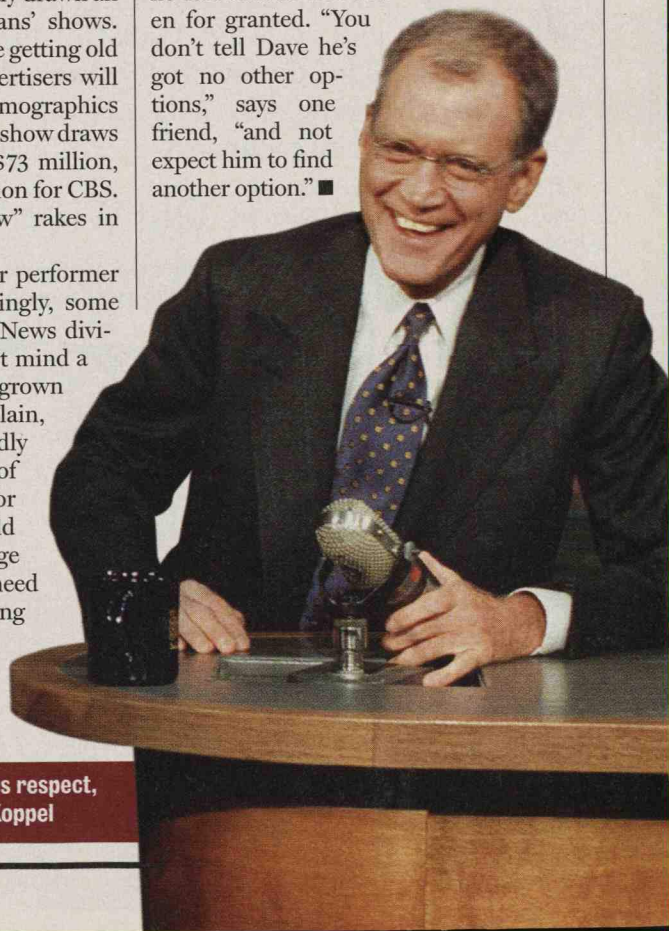
since 1979, when it debuted as a nightly update on America's efforts to free the U.S. hostages held in Iran. "Nightline" has won countless awards for investigation and news commentary and has consistently drawn an audience to rival the comedians' shows. Problem is, Koppel's viewers are getting old (now 51, on average), and advertisers will pay handsomely for younger demographics like Letterman's. As a result, the show draws advertising revenue of about \$73 million, while Letterman nets \$175 million for CBS. Jay Leno's "The Tonight Show" rakes in \$230 million for NBC.

Disney clearly wants a better performer in the late-night slot. Surprisingly, some influential figures in the ABC News division privately say they wouldn't mind a change, either. The show has grown stale and sluggish, they complain, and it performs especially badly on the increasing numbers of days when substitutes fill in for Koppel. "David Letterman could give this network a huge, huge boost, and we desperately need that," says a "Good Morning America" source. A younger overnight audience can translate into better ratings for the second-ranked morning

show because viewers often start their day watching the same station they were tuned to the night before.

An ABC News source says Letterman has been offered \$28 million and a package to produce a sitcom. (His company, Worldwide Pants, produces "Everybody Loves Raymond.") His associates say he's interested in moving, but the last thing he wants is to crush Koppel, a regular "Late Show" guest. So when ABC contacted Letterman last month, he was not immediately interested. "The No. 1 concern for Dave was, 'What about Ted?,'" says someone involved in the negotiations. "And ABC said they had already made their decisions about 'Nightline.'" ABC representatives did not return phone calls for comment, and CBS says only that it intends to keep courting Letterman through August, when his contract expires.

But Letterman is seeking not more money, but respect. He has long complained that Viacom president Mel Karmazin has practically ignored him. (Not surprisingly, Karmazin reportedly called a few weeks ago to apologize for never having visited the "Late Show" set.) "Let me put it this way," says a "Late Show" staffer. "They probably treat the guy on 'Yes, Dear' better than they treat Dave." His feelings really got hurt during the stalled contract negotiations in January. His associates say he felt bullied and taken for granted. "You don't tell Dave he's got no other options," says one friend, "and not expect him to find another option." ■



NETWORKING: Letterman craves respect, but he doesn't want to crush Koppel

Looking Grim at the Grammys

Ralph Stanley's performance of 'O Death' wasn't the only ominous note. This may have been the swan song for the music industry as we know it. But does anybody care? BY LORRAINE ALI AND DAVID GATES

AT LAST WEEK'S GRAMMY AWARDS IN L.A., THEY shut down the bars and Budweiser stands during the televised part of the ceremony to try to keep bodies in the seats. But by the climactic moment, the presentation of record of the year (i.e., best single) to U2 for "Walk On," half the audience had walked out—despite the fact that this award's placement suggested the industry was now staking its survival on singles rather than albums. It was a weird night anyway. U2 (eight nominations) got

seated in the front row for easy stage access. That gave them a nice view of the 74-year-old mountain-music patriarch Ralph Stanley and the other Southern roots performers on the underpromoted, profoundly anti-pop "O Brother, Where Art Thou?" soundtrack, as they made the trek from the middle of the auditorium seats to pick up the award for album of the year. At a time when record companies were soul-searching and focus-grouping to try to figure out what the public wanted, they'd been totally blindsided by an album that sold well over 3 million copies largely on word of mouth.

If you'd kept your eyes on Dre, of the innovative and eccentric hip-hop duo OutKast, you would have seen a guy in a fuzzy white mack-daddy hat and a bizarre plaid suit sitting stone-faced until Stanley and company hit

the stage; only then did he begin to boogie in place. Even U2's guitarist, The Edge, considered his band's loss of the grand prize a "sweet defeat." Musicians and listeners bonded over "O Brother," an album with nothing going for it but authenticity: no hype, no radio, no MTV. That people within the music industry itself—professionals with "creative or technical credits on at least six commercially released tracks"—voted it the year's best album was either a statement of the abiding values that got them into this

business, or a gesture of self-loathing. This disc was about as far from industry product as you could get.

You don't need us to tell you that much of that product is disposable—you've got ears—but you may be surprised to know how resoundingly it's getting disposed of. Last year record-company revenues dropped by \$600 million, and the perennial talk about the end of the business as

we know it sounds more and more convincing. We could list reasons from now until Sunday: the recession, post-September 11 shell shock, revenue lost to CD-burning and Internet file-sharing. All valid. But they wouldn't be having as much impact if the music made us care.

Out With the New, In With the Old

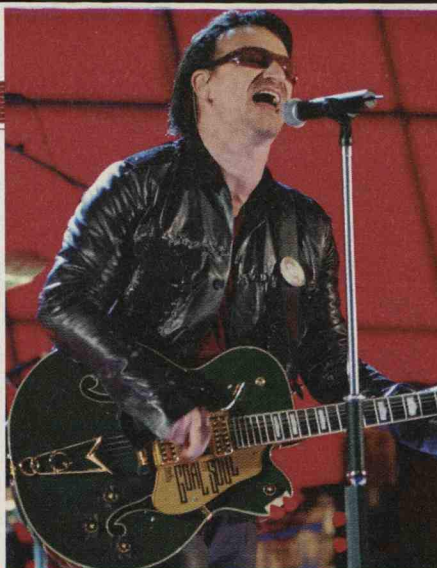
The roots music on the 'O Brother' soundtrack outstripped far glossier product. And the lesson is?



Spears was a demure presenter; but it was 74-year-old Stanley and the 'O Brother' soundtrack that stole the show

records, and often the print and broadcast media and the online services that publicize and disseminate them. And, paradoxically, some also make the gizmos that let you pirate them. If your "local" top 40 radio station (which may now play only 25 songs) isn't owned by Clear Channel (which has nearly 1,200 stations in the United States), it's probably owned by Viacom (a mere 186, but it also owns MTV, which owns the hearts and minds of millions of teenagers).

Such stations, as identical as Gap stores and McDonald's franchises, exist not to turn you on to cool new music, but to keep you from turning them off before the commercials; that's why the stuff they play is so robotic and formulaic. "It's like a spiral," says Peter Edge (no relation to U2's The), the A&R executive who signed Alicia Keys. "It starts with corporate pressure for labels to have more results because they're owned by bodies that want to keep squeezing more profit." So. Corporate HQ demands you sell large numbers of records. You do that by putting out music predictable enough for radio and MTV. This music, promoted by endless, ubiquitous airplay, outsells the competition. And soon there's nothing within earshot except what Edge calls "McMusic"—such mass-marketed, replaceable confections as 'NSync and



PLAYING IT CLOSE TO THE EDGE: U2 won four awards, but not the big one

O-Town, or such calculatedly "alternative" outfits as the hack rap-rock of Linkin Park.

Or at least that's the current model. And it may still work for a while with customers too undiscriminating or unenterprising to ferret out more demanding and rewarding music with the help of public and college radio stations, music journalists, remote corners of the Internet—or, like, you know, friends? But one subtext of this year's Grammys was the backlash against McMusic even among the people whose salaries it pays: not just Stanley and "O Brother," but such smart, individualistic and sometimes spiky artists as OutKast (rap album), Lucinda Williams (female rock vocalist), Dolly Parton (female country vocalist), Bob Dylan (contemporary

folk album) and India.Arie (seven nominations). And 2001 saw some other surprise breakthroughs and cult successes: the neo-soul singer Angie Stone, the experimental British band Coldplay or the refreshing rap-electronica group Gorillaz. "I'm not in the 'music sucks zone,'" Edge says. "I think there are a lot of really good artists around. I just think people don't dig very deep."

Listening to such artists isn't just about the music: it's the smart people's secret handshake. "You hear it all the time coming out of the mouths of record executives," says Mos Def, the rapper whose solo debut small-label album went gold last year, no thanks to radio and MTV. "People are stupid, people are stupid." And people are not. In fact, they're smarter than they've ever been because they have more access to information, more places to get music. They're making up their own minds about what they like, as opposed to what they're told to like. And now the labels are paying for that disrespect. They're finding people are not as tolerant of their bulls--t."

Nobody's saying that popular music needs to be as mountain-pure as Ralph Stanley, or as arty as Bjork. "The marriage of art and commerce, when it's well done, makes for great music," says Moby. "Whether it's Gershwin, the Doors or Public Enemy. Right now, things are out of whack in both directions. It's either willfully obscure or willfully commercial. As much as I love Radiohead, I wish they had a

couple of hit singles on their last album so I could hear them on the radio instead of O-Town." And Danny Goldberg, former CEO of Mercury Records Group and champion of Nirvana and the Beastie Boys (and, apparently, a reader of Shelley), sees hope in the industry's current hard times. "Look, everything changes," he says. "Ozymandias crumbled. But times of crisis sometimes provide the best art. For people who want a quick return on their investment, it's not the greatest thing. But for people who care about culture, it can only have a silver lining." H. L. Mencken said nobody ever went broke underestimating the taste of the American public. But the music industry seems to be doing its damndest to prove him wrong. It could be a beautiful thing.

With JULIE SCELFO and JOHN HORN

Newsweek GO TO WEEKEND, OUR WEB-EXCLUSIVE
MSNBC ARTS & ENTERTAINMENT SECTION,
FRIDAYS ON NEWSWEEK.MSNBC.COM

So Many Sounds, So Few Record Labels

Record companies used to come in all sizes: small, medium and large. But corporations have bought up most of the little guys, making it much harder for fresh acts—and good music—to break through.

Universal	Warner	Sony	BMG	EMI
Market share: 26.4	Market share: 16	Market share: 15.6	Market share: 14.5	Market share: 10.6
Labels: Geffen, MCA, A&M, Island, Interscope, Motown	Labels: Warner Bros., Elektra, Sire, Atlantic	Labels: Columbia, Epic, Legacy	Labels: Arista, RCA, LaFace, Bad Boy	Labels: Virgin, Capitol, Blue Note
Top acts: U2, India.Arie, Eminem, Jay-Z	Top acts: Madonna, Linkin Park, R.E.M., Missy Elliott	Top acts: Pearl Jam, J.Lo, Destiny's Child, Michael Jackson	Top acts: Dave Matthews Band, Alicia Keys, Dido, Santana	Top acts: Garth Brooks, Janet Jackson, Radiohead, Gorillaz

SOURCE: SOUNDSCAN



(TOP) KEVORK DJANSEZIAN—AP, (IN GRAPHIC, FROM LEFT) SAM LEVI—WIREIMAGE, ALAN DAVIDSON—WIREIMAGE, STEVE GRANITZ—WIREIMAGE, KEVORK DJANSEZIAN—AP, RETNA

The generally dismal quality of America's mass-marketed pop music is an esthetic national emergency. And last week's Masque of the Red Death extravaganza at the Staples Center couldn't disguise the dire portents. Teen-pop cash cow Britney Spears, apparently ineligible for any 2001 nominations, showed up to present an award and to remind arty types what actually pays the bills. Insiders from Nashville's hard-hit labels watched in silent disbelief as hunk du jour Tim McGraw got skunked for male country vocal. The winner? Again, the white-haired Stanley, for "O Death," his a cappella plea to the grim reaper to "spare me over till another

year." (A few VPs and A&R honchos must've had the same thought.) But the worst portent was simply that so many people decided not to bother watching the Grammys at all. The telecast got its lowest ratings in six years, and its 21 percent drop from last year reflects all too clearly the drop in record sales.

So what can the industry learn from "O Brother"? Probably nothing. For one thing, authenticity can't be cloned without turning it into "authenticity," and smart listeners can hear

quotation marks a mile away. For another, record executives must be among the slowest learners on the planet. Only 5 percent of major-label releases make a profit; a big company needs to sell 500,000 copies of a CD just to break even. Hmm: could any of this have to do with dumb decisions? Virgin Records bought Mariah Carey for \$80 million in 2001, only to give her an extra \$28 million last month to go away. Meanwhile, Sheryl Crow and Don Henley have felt compelled to found the new Recording Artists' Coalition, an organization of high-profile performers hoping to protect musicians from their own labels. No wonder Michael Nathanson, a media analyst specializing in the music business at the financial firm of Sanford C. Bernstein & Co., advises his clients not to invest in the recording industry. "I never thought it would get this bad this fast," Nathanson says, "but it has."

The record companies have responded to the rise of digital technology with similar adroitness. The CD is cheaper to produce than the LP, but they thought you wouldn't find that out, so they priced it higher. Then consumers discovered you could copy, download and swap digitized information with no generational loss. When the cows were already out of the barn, record companies came up with their own online schemes, but these were much more limited and harder to use than Napster and other free file-sharing sites. And now you can go to audiogalaxy.com and download whole CD box sets (including booklets and cover art) free of charge in the form of Zip files.

At last week's ceremonies, Grammy president Michael Greene was both cheered and booed for an onstage rant against digital file-sharing. In a way, you had to sympathize with the guy: it's a lose-lose situation. Last year blank CDs outsold prerecorded ones. Two out of five music consumers own a CD burner. About the same number say they downloaded rather than paid for most of the music they listened to last year. And young people—the industry's most coveted demographic—spend much more time on the computer than at Tower Records. "My 14-year-old cousin has never bought a CD in his life," says Moby, whose 1999 "Play" has sold more than 8 million legal copies. "Most younger people see music as being free. For them, it's always been free. The implications for the music business are staggering."

Over the past 10 years, that business has become scarily monolithic. Just five corporations (chart) now control more than 80 percent of the \$14.3 billion-a-year industry. They own the record labels, the radio stations and music-TV networks that play the

STEVEN LEVY

The Customer Is Always Wrong

Music and film moguls, and a few senators, think fans are thieves—and want to cripple technology to stop you from making copies



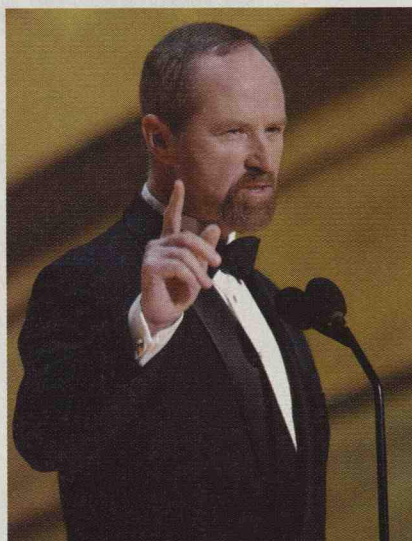
THERE WAS SOMETHING DECIDEDLY ENRON-esque about the hearing last week before the Senate Commerce Committee. No potential illegalities, mind you. But you had Disney CEO Michael Eisner and News Corp. president Peter Chernin speaking on behalf of record labels and movies studios to lobby Congress for laws to prop up their beleaguered business model as they cope with the Internet. As with a certain Houston energy company's dealings with friendly govern-

ment officials, one couldn't help but wonder where the little people stood in all of this. The answer came from Sen. Fritz Hollings, clearly a friend of content holders. "When Congress sits idly by in the face of these [file-sharing] activities, we essentially sanction the Internet as a haven for thievery," said the committee chairman, charging "over 10 million people" with stealing. That's where citizens stand—not as potential consumers, but as candidates for prison denim.

This tracks with the mentality of the record labels and film studios these days. Despite a plethora of problems that have nothing to do with the Net, media executives are obsessed with the idea that their customers are shiftless pirates who want their wares for free. The world got a chance to sample this mindset at the Grammys last week, when National Academy of Recording Arts and Sciences head Michael Greene hijacked his own awards ceremony to rant Queegishly about music downloading, "the most insidious virus in our midst." (So much for HIV.)

In the short run, the media companies are counting on the courts to shut down the Napsters of the world. Long range, they're betting on security schemes that intentionally limit the functions of both hard- and software. Some labels have already begun to ship compact discs encoded with a special process that prevents copying. Consumer advocates are appalled that the copy-protected discs deny users their legal rights to copy music for personal use on digital devices like computers and MP3 players.

To make sure that the customer's larcenous options are totally closed off, however, copy protection must be built into computers and other devices. Enter Hollings's proposed Security Standards and Certification Act. The bill demands that all digital electronic devices be saddled with systems that restrict copying of tunes and movies. Earth to moguls: beware of what you wish for. Business-



MP'D OFF: Grammy czar Michael Greene attacks the 'Web of theft'

school professors could feast for years on the unintended consequences that come from treating Britney Spears tunes like nuclear secrets. Clearly, clamping locks on electronic equipment and intentionally crippling CDs wouldn't *increase* sales. Would it depress sales? Almost certainly.

Millions of people commonly, and legally, buy CDs, rip the tunes on computer hard drives, and then either download to MP3 players or mix and burn their own CD compilations. But if new discs are copy-protected, someone who wants a classic James Taylor album might do better to buy a vintage disc on eBay. MP3 fans desiring a rip-friendly disc of Moby's latest would be forced to seek a pirated version where someone has illegally broken the security controls. I can't see how this situation would boost album revenues.

Then there's the impact on the electronics industry. If new computers, CD-DVD players and personal video recorders are hobbled, consumers will hold on to their pre-Hollings machines. As Intel's Leslie Vadasz warned the Commerce Committee, "[Your legislation] will substantially retard innovation ... and will reduce the usefulness of our products to consumers."

What makes this all totally insane is that Internet file sharing is not necessarily the foe of copyright holders. True, the ease of making and distributing digital files will always present a challenge for the labels and studios. But it's also a potential gold mine: an instant, ultra-low-cost delivery system

and a targeted marketing vehicle. No outlaw service can ever provide consumers with the deep libraries at guaranteed high quality that content owners can deliver. And if media companies adopted a perfectly feasible system of "digital-rights management" that allowed music fans to make a few copies for personal use, most people wouldn't bother to do the pirate thing. If the prospect is scary, the media giants can take comfort in history—their original reaction to previous technological advances, from talkies to television to the VCR, was just as hysterical as it is with the Internet.

The Disney Corp. was once celebrated for its crowd-pleasing recipe: underpromise and overdeliver. But Eisner and his copy-right-holding counterparts, drinking deep from the fountain of fear, seem to have adopted a new motto: overcharge and disable. Things won't get better for them until they realize that even for copyright holders, the Internet can be a Magic Kingdom.

FOCUS ON Your Money

THE PULSE

Stock-market losses will force some **1.9 million** workers to delay their retirement. And **one in four** says he'll have to work **five to seven** years longer than he planned.

SOURCE: INTUIT INC.

Small Stocks Think Big

Shares of little companies have been the bear market's lone bright spot. But good deals are getting hard to find, and big funds may not be the best bet.

BY LINDA STERN

IN THE MARKET THESE DAYS, SMALL is beautiful. Managers of the fledgling Aegis Value Fund, which specializes in small stocks, can barely keep up with all the money investors are throwing at them. Aegis is popular for good reason: last year it returned 42.7 percent. But with some \$70 million pouring in the door in just the last two months, manager Scott Barbee and his partners are working nights and weekends to find pint-size bargains. "The pressure is definitely on," he says.

While most investors have been crying over their loser tech stocks and slumping Standard & Poor's 500 Index funds, shares of small companies have been booming. Ever since the technology-led bull market flamed out early in 2000, little companies have been outperforming the big boys, returning 10 percent while that S&P 500 lost 26 percent and the Nasdaq fell 61.4 percent.

Shares of small companies—those with stock valued at less than \$1 billion—outperform over the long haul, but they can be riskier, too. Little firms are more agile than big ones and have more room to grow. When interest rates are as low as they are now, small firms have easy access to cash. And because they're less dependent on foreign business than the titans, they don't suffer when the dollar strengthens or overseas economies falter. Since 1926, small-company stocks have outperformed large-company stocks by 2 percentage points a year, according to Ibbotson Associates, a Chicago investment-research firm. Recent returns have been even

stronger, and analysts like Standard & Poor's Sam Stovall say there's still room for more rally.

Small stocks especially shine coming out of recessions; in the first year of the last four recoveries, they've averaged 29 percent returns, according to T. Rowe Price data. "We still have a ways to go," says Preston Athey, manager of the T. Rowe Price Small Cap Value Fund. "These cycles typically last three to seven years."

Opportunists who jump in now aren't exactly getting to the party early. Since early 2000, investors have shoveled an incredible \$51 billion into small cap funds, reports AMG Data Services. That's an amount far out of propor-

tion to what's gone into other stock funds, and represents 25 percent of the funds' current total. "They're beginning to chase performance," says Athey, who worries that the amount of cash coming in will push managers to overpay for stocks they're forced to add.

That creates problems for fund managers like Barbee, who says he is determined to hunt for bargains, even if he has to hold on to cash for a long time. The pressure of prospecting for enough good little companies has caused seven small cap value funds to close to new investors in the last year; at least five others closed the year before. Barbee says he'll close his, too, if he can't find enough good buys.

Small cap funds that get too big can be bad news for investors. That's because they have to invest in many different companies to avoid dominating the ones they choose, and so they can't focus on

Smaller Is Better?

Small stocks have rallied while the rest of the market has imploded. The market since March 31, 2000:

-26% Large stocks (S&P 500)

-61% Tech stocks (Nasdaq)

+10% Small cap stocks (S&P 600)

SOURCE: STANDARD & POOR'S



Billboard

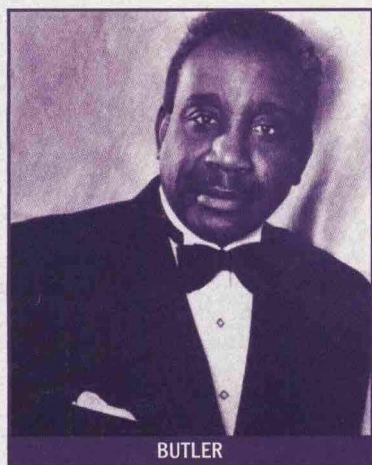
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NEWSPAPER

THE INTERNATIONAL NEWSWEEKLY OF MUSIC, VIDEO, AND HOME ENTERTAINMENT

MARCH 2, 2002

Black Artists Struggle To Regain Ownership Of Master Recordings



BUTLER



RUSHEN



KRS-ONE

BY GAIL MITCHELL

LOS ANGELES—Long before the Recording Artists Coalition (RAC) bowed last year, artists' rights have been a bone of contention in the music business—especially for many black performers.

While the Rhythm & Blues Foundation has established special funds that address reparations for many classic blues and R&B artists, industry-wide royalty reform remains an unresolved issue.

But a handful of pioneering black

artists have been able to stake a claim in their financial futures through another route: They defied the odds by regaining possession of their master recordings. That select group includes Ray Charles, the late

(Continued on page 89)

Kylie, Dido Expect Boost From Brits

Other Honorees See Sales Lift From U.K. Awards, Including Sting

BY GORDON MASSON

LONDON—With a brace of awards each, Dido and Kylie Minogue were the big winners at the annual Brit Awards Feb. 20 here. Having already shipped 12 million units of her debut album, *No Angel*, Dido can expect a sales boost from the show's coverage, while Minogue will be hoping to capitalize on the exposure to relaunch her career in the U.S. (*Billboard*, Feb. 16).

Both artists performed at the event, which



was broadcast on terrestrial channel ITV1 the following night. It will be beamed to some 40 countries around the world, including the U.S., in the coming weeks.

Cartoon band Gorillaz kicked off the event in style, while Sting offered a fine closing set after he was honored with the Outstanding Contribution to Music Award.

Also taking to the stage were Anastacia with

(Continued on page 92)

Mailboat's Buffett Delivers

BY MELINDA NEWMAN

LOS ANGELES—Jimmy Buffett slyly admits he knows one thing for sure: When you own the record label, "you make yourself a lot more available than when you're working for someone else's company."

Therefore, he's granting a rare interview as he drives to the airport near his West Palm Beach, Fla., home to talk about *Far Side of the World*, which arrives March 19 on his own Mailboat Records. From the airport, he will pilot his Albatross sea plane to survey some Everglades swampland. "I have some friends coming to visit, and I need to check out

the alligators before I take them," he says.

But for now, he wants to talk about *Far Side of the World*, his 33rd album overall and his first studio recording since launching Mailboat in late 1999 (see story, page 91).

"I'm just glad to still be making albums," he says. "At one level, I pretty much know if you like

what I do, you'll like this music.

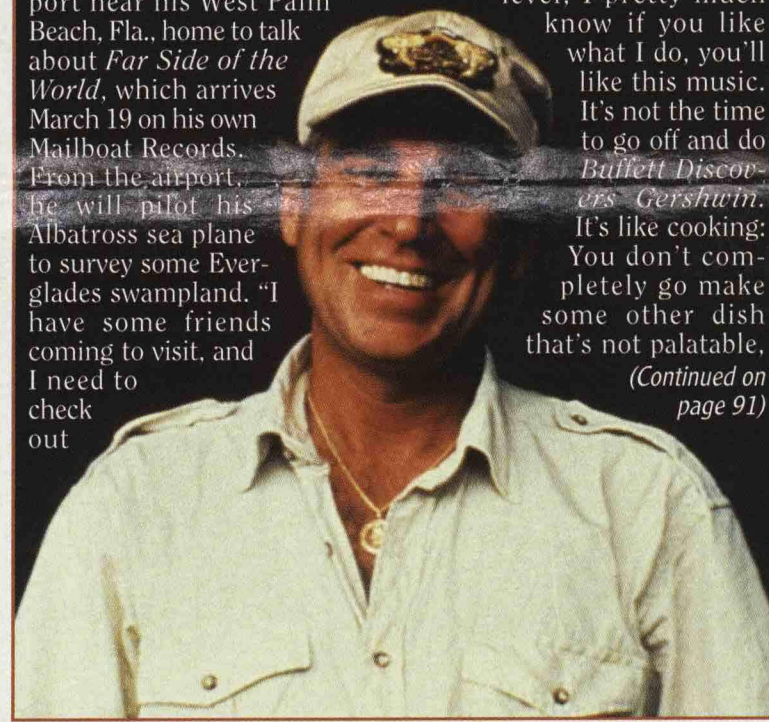
It's not the time to go off and do

Buffett Discovers Gershwin.

It's like cooking:

You don't completely go make some other dish that's not palatable,

(Continued on page 91)



Crescent Moon's New President: Page 8 • Supreme Court And Copyright: Page 12 • Recalling Waylon Jennings: Page 51

HEATSEEKERS

Chambers' 'Barricades' On Warner Bros. Hits No. 1

SEE PAGE 81

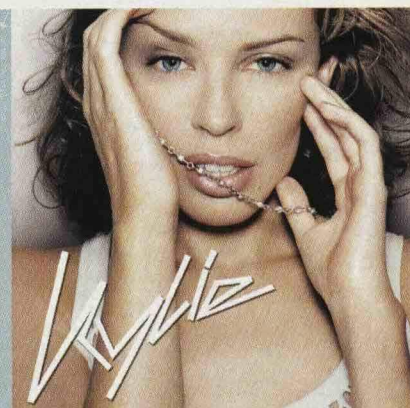


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WE PICK WINNERS

Black Artists Struggle

Continued from page 1

Sam Cooke and Curtis Mayfield, Quincy Jones, Lamont Dozier, and Al Jarreau.

With the increasingly vital role that catalogs contribute to record companies' bottom lines, all artists could face even tougher battles in the coming years in trying to reclaim or negotiate ownership of their masters, according to a number of industry executives. Entertainment attorney L. Londell McMillan, whose clients include Prince and Stevie Wonder, notes that "buy-back of masters is something that's not normally going to happen."

However, a new paradigm in the artist/label relationship will be introduced in 2013, when the Copyright Act takes effect. Under that law's 35-year statute, artists who recorded material

hours. That's how racist it was."

The subject of masters remains a sensitive topic not only for labels but for artists themselves. Reportedly, Luther Vandross owns his Cotillion masters, while Aretha Franklin is said to possess her later Atlantic albums. Repeated calls and faxes to their representatives, as well as to several other artists, did not generate any response—save for a faxed, one-sentence reply from Ashford & Simpson that read: "We have the rights to some of our old masters." The veteran singer/songwriter duo declined to reveal any details.

However, several artists and/or their representatives were willing to share their stories in the hope that they could provide advice for other acts.

A GREAT FEELING

Dozier recalls, "One day in 1981, my attorney Lee Phillips called and said, 'Go and pick up your masters at Warner Bros. Records in Burbank [Calif.] right now!' It was a great feeling."

Dozier, one-third of Motown's legendary Holland-Dozier-Holland songwriting/production team and a current Grammy Award nominee, joined Warner Bros. in 1976 after charting top 20 success with his 1973 solo debut, *Out Here on My Own*, on ABC/Dunhill. The first project under the four-album pact was *Right There*. But after the third album, Warner Bros. opted not to release a fourth one.

"Lee said, 'If you're not going to let him do the fourth album, then please let him have his three previous albums,'" Dozier says. "And that's what Lee and [then-Warner Bros. chief] Mo Ostin worked out. I have to give Ostin credit for breaking that ground, too."

In the case of Jarreau—another former Warner Bros. artist—securing masters ownership was not happenstance but a plan, his manager Bill Darlington says. Warner Bros. owns everything worldwide for the singer's first six albums, including the platinum-certified 1981 set *Breakin' Away*. But after that, "we split the deal up," Darlington explains. "For the last seven albums, Jarreau was signed to Warner Bros. in America and to WEA International, where he has a huge audience. And he got back the international rights on those records."

Dating back to 1984's *High Crime*, those seven albums include the gold-selling *L Is for Lover*, *Heart's Horizon*, and *Heaven and Earth*. Darlington says these albums are now licensed to Universal outside America. "It's an annuity," he adds. "They put the records out, he gets paid, and he still owns them. It's great for any artist when he or she can get some control of their life."

A more recent example involves producer/musician Jones. When the joint venture between Jones' label, Qwest, and Warner Music Group was dissolved last year, he was able to negotiate the rights to nine albums. The list includes the soundtracks to *The Color Purple* and *Boyz in the Hood*, the platinum-certified *Back on the Block* and *Q's Jook Joint*, James Ingram's gold-certified *It's Your Night*, *Basie and Beyond*, and *From Q, With Love*. Quincy Jones Music is currently negotiating a licensing deal.

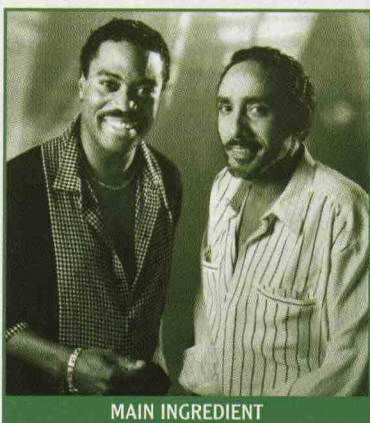


COOKE

LOOKING BACK

Precedents for attaining control were set by such farsighted artist/businessmen as Cooke, Charles, and Mayfield. A handful of white acts is also part of that select group, including country major leaguers Buck Owens and Kenny Rogers and '50s and '60s-era acts the Four Seasons (the group's Vee-Jay and Philips material), Paul Anka, and Fats Domino (their ABC-Paramount material).

Having notched a string of 15 No. 1 country singles—including "Act Nat-



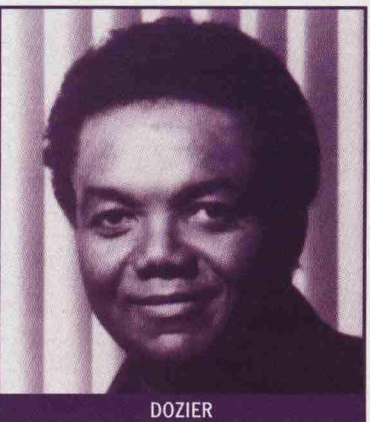
MAIN INGREDIENT

urally" and "Love's Gonna Live Here"—Owens signed a final deal with Capitol under very specific terms: He would record for the label another four years, and after that contract expired, he would own all of his Capitol recordings from 1957 to 1975. As part of the deal, Capitol would continue to manufacture his records until 1980, when the masters would revert to him.

"I said, 'I ain't doing another record unless I get all my masters back, period,'" Owens says. "So we struck a deal."

"Every artist should insist on that," he adds. "You can't at first. You've got to have the sales—and guts—to back it up. But once you have a smash hit, tell them you want your goddamned masters back."

Charles also learned how to negotiate in his favor when he signed with ABC-Paramount in 1959 after several years at Atlantic: He asked upfront



DOZIER

for his masters to revert back to his ownership. ABC-Paramount agreed. Among the songs he recorded for the label are the classic "Georgia on My Mind" and the No. 1s "Hit the Road Jack" and "I Can't Stop Loving You."

Charles—who has licensed his material to reissue label Dunhill Compact Classics and later to Rhino—could not be reached for comment for this story, despite repeated attempts. But James Austin, Rhino's senior director of A&R/special projects who worked with Ray Charles Enterprises on the March 2000 *Very Best of Ray Charles* compilation, says Charles has told him that "it's a situation where I just have to have them. It comes down to music I've worked hard to create, and I want to own it myself."

Cooke, who scored such hits as "You Send Me" and "A Change Is Gonna Come," also established ownership through what manager Allen Klein terms "contractual accomplishment." In 1963 Cooke hired Klein not only as his manager but to also oversee his SAR record label and other related entities, which Klein still handles. That same year, Cooke signed an agreement whereby all of his RCA material would go through Cooke and Klein's Tracey Records for a period of 30 years. The deal gave Cooke ownership of his work.

RCA's right to distribute Tracey—a division of Klein's ABKCO Records—expired in 1993. Klein owns and manages Cooke's masters and copyrights on behalf of Cooke's widow, Barbara; daughters Linda and Tracey; and other family heirs.

Before going solo in 1970, Mayfield, who died in 1999, had enjoyed a successful run with the Impressions—a group that recorded for ABC-Paramount. "In those days it was unheard of for a performer/songwriter to own his own publishing, let alone his masters," recalls Mayfield manager Marv Heiman, who partnered with Mayfield in a publishing company, as well as indie label Curtom. "When Curtis started Curtom, we both felt that whomever we did a distribution deal with, we wanted those masters to come back to us after a brief sell-off period. It was a material point of our deal."

Mayfield's Curtom label struck successive pacts with Buddah, Warner Bros., RSO, and Neil Bogart's Boardwalk. "And all of those masters reverted back to us," Heiman adds. "We sold the domestic rights to Rhino a few years ago. The Mayfield Family Trust [whose immediate beneficiary is Mayfield's widow, Altheida] still owns the foreign rights. It was important to Curtis to own as much of himself as he could."

STILL IN PURSUIT

For every success story, there are many other tales in which artists' master pursuits have been in vain. That includes Prince—who is still seeking ownership of his Warner Bros. material—and former Impressions member Jerry Butler.

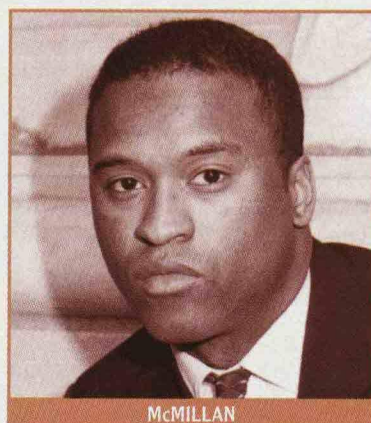
Butler, whose solo "Ice Man" persona sparked such No. 1 R&B/crossover hits as "Hey, Western Union Man" and "Only the Strong Survive," is involved in a lawsuit that dates back nine years. In 1993, a total of 15 plaintiffs—including Sam Moore (of Sam & Dave), Mayfield, and the estates of Jackie Wilson and Mary Wells—filed a

class-action suit alleging pension fraud against all five major labels and American Federation of TV and Radio Artists for back royalties. As part of that suit, Butler says he also asked for ownership of past masters of his dating back to Vee-Jay and up to and including Philadelphia International.

"Justice moves slowly, if it moves at all," he says. "The court denied the suit, because the interests are too varied and it couldn't put us all in one class. The attorneys have since decided to refile."

"When we started, the music industry was a baby," he continues. "The youngsters back then didn't have good legal advice. If I were starting out today, I would control my masters, publishing, everything."

But the door to ownership that Charles, Cooke, and Mayfield walked through earlier has virtually closed. With the industry's continued growth and more sophisticated technology, record companies began realizing the value of their respective catalogs—especially with the advent of the digital era—and have become more reluctant to part with artists' masters.



McMILLAN

Declining to go into specific detail, one former label executive who is now an artist manager says that 50% or more of a label's revenue can come from its catalog.

"In those early days," Heiman says, "record company catalog wasn't very important. However, labels definitely knew the value starting in the late '70s. I can see the labels' viewpoint [in terms of holding onto artists' masters]. They're investing a lot of money in artists. If the artists become superstars, the masters are an asset to the label."

Former Elektra artist Patrice Rushen says she's not "naive enough to think Elektra is going to give up any of my work." That output includes the top 10 tracks "Haven't You Heard," "Forget Me Nots" (sampled by Will Smith for the title song to the *Men in Black* film), and "Feels So Real (Won't Let Go)."

"The best part is I'm getting sampled," she adds. "But if you've had the good fortune to remain a viable selling commodity over a period of time, you do start to wonder about controlling your product. If the music holds up, you might want a shot at doing something with it yourself—especially if the label isn't doing anything with it."

For the past four years, she's been trying to reclaim ownership of *Signature*, a smooth-jazz CD released in 1997 on Discovery, then part of the WEA group. Though the record re-

(Continued on next page)

Continued from preceding page

ceived some airplay and earned a Grammy Award nod, Rushen says she ended up having to self-promote the record when Discovery changed hands.

"My only conjecture," Rushen says, "is that because I have a successful list of recordings elsewhere and my name continues to appear in different situations in regards to other projects, it does prompt people to look at my other work. So maybe [those holding the *Signature* master] don't want to take the chance of that record not being there. But at a certain point, masters should revert to the artist."

REDOING THE MASTERS

Rushen's contention is shared by McMillan. His client roster includes the estate of Sammy Davis, which owns some masters but is currently fighting with Universal to retrieve others.

"Take an artist like Roberta Flack, whom I also represent," he says. "A lot of these record companies aren't taking advantage of these artists' catalogs. They're just sitting there. Most of the money's been made already. But if Roberta owned those masters, who knows? She might be doing all kinds of things to help make her recordings sell so [that] she can take care of herself and her family."

Another way artists have ensured that they own some of their creative endeavors is by rerecording their earlier material. James Brown, whose career includes stints on the King, Polydor, and Scotti Bros. labels, has found success that way.

"James doesn't own his original masters," his attorney Jay Ross confirms. "But he does own masters of material he's rerecorded, as well as live concert footage, so he now competes against the labels who have his earlier recordings."

"In fact," he adds, "we can license a heck of a good album featuring the greatest of his material. In some people's minds, given today's technology and modern orchestration, it's superior to the original."

However, talk to any real music aficionado, and nine times out of 10, he wants the original recording.

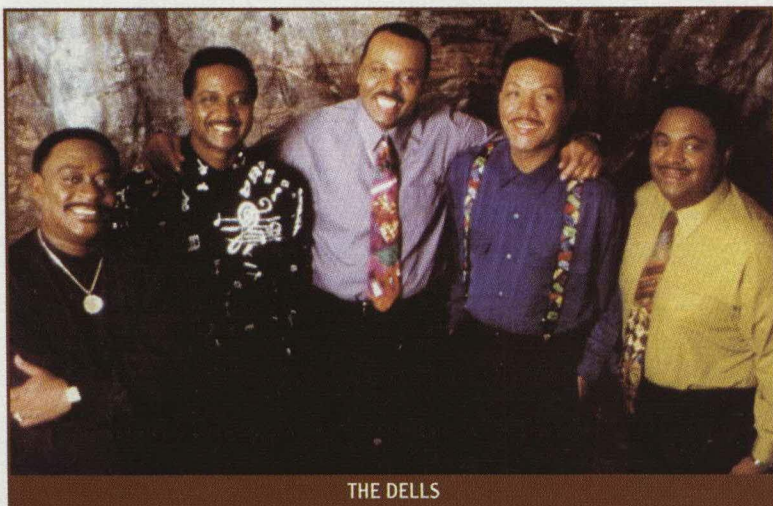
"Artists rerecording their material is becoming a trend," EMI Music VP of catalog marketing Tom Cartwright agrees. "And it does give them the opportunity to own something. But in terms of commercial appeal, everyone wants the original."

HAVE MASTERS, WILL EXPLOIT

As several of those who were interviewed pointed out, it's one thing for an artist to own his masters and quite another to know what to do with them. The financial costs in terms of exploiting those masters—remastering the

years to Castle Music of the Sanctuary Group in the U.K.—a marketplace where he still has a strong following. Among the songs found on those albums is the Dozier-penned and sung "Going Back to My Roots" (from his *Peddlin' the Music*) whose initial popularity, Dozier notes, "took me throughout Europe on tour." The tune was subsequently recorded by Odyssey and Richie Havens.

Since the Castle licensing deal was only signed last year, it's still too new to see any major royalties. But Dozier emphasizes there have been other rewards. "Yes, [licensing the masters] has been a good thing to be able to do financially. However, what I really



THE DELLS

recordings depending on their quality, finding a distributor, marketing, and promotion—can be a tough nut to crack for most artists opting to do it on their own.

According to Cartwright, licensing rates are pretty standard, depending on the wholesale price of the record, the number of tracks, and the use of the music. "It [the rate] can mirror artists' contracts or can be negotiated," he says, "anywhere from 10%-25% of wholesale. However, the money really comes in the advance. Most artists want to take an upfront piece."

Last year, Dozier licensed his three former Warner Bros. albums for five

years to Castle Music of the Sanctuary Group in the U.K.—a marketplace where he still has a strong following. Among the songs found on those albums is the Dozier-penned and sung "Going Back to My Roots" (from his *Peddlin' the Music*) whose initial popularity, Dozier notes, "took me throughout Europe on tour." The tune was subsequently recorded by Odyssey and Richie Havens.

Universal Music Enterprises senior VP of A&R Andy McKaie, whose division administers the catalogs of such veteran soulsters as the Dells, acknowledges that some artists make a good living taking care of their own masters. But he's aware of situations where "the masters aren't being worked in the way we could. I'm obviously on the other side of the fence, but it's difficult to replace the entire mechanism a label provides."

Still others believe that ownership only belongs in the hands of artists who can afford to produce and mar-

ket their masters with their own money. "In my experience in the music business, the only artists who have the ability to own or partially own some of their masters are artists like a Prince [who owns his post-Warner Bros. recordings]," says Matt Kahane, co-owner/co-founder of independent GoodVibe Recordings, whose artists include Grammy Award-nominated Mystic.

"The main drawback is that it's very hard work, and there's usually very limited exposure when you're trying to do everything completely independently," he continues. "In most cases, though, record labels are taking very big risks when they sign a new act and have to spend hundreds of thousands of dollars—potentially millions—just to create value for the masters that they paid to create. So the fact that they own those masters isn't necessarily unfair."

Rapper KRS-One doesn't own his earlier masters with Jive but does co-own his masters under a joint-venture between his Front Page Recordings and In the Paint/Koch. "I don't want to own my catalog for it to sit and gather dust. I also don't have the desire to sit and farm out my catalog. I'd rather share that with someone else who'll take a percentage and work the catalog to be used in movies, commercials, and TV."

CO-OWNERSHIP ROUTE

Like KRS-One, one of the more popular ways that contemporary artists have gained a measure of masters control is through joint ventures. Such rappers as Master P, the Cash Money Collective, and others were well on their way to sales success before aligning themselves with major labels for wider distribution.

"Our sales gave us a lot of weight and pull," says Cash Money CEO Ronald Williams, whose label is distributed through Universal. "We used to hear a lot about the majors—how they take control—and we didn't want to go out like that. But it's going to be a fight right now for artists to keep their masters. You just have to fight to

keep 100% of your company."

Citing the groundwork made by rappers like Master P and Eazy-E, Kahane agrees that any artist who creates his own music, pays for its production, and then works hard to promote and market it will have more leverage in striking a label deal with a major—even though an indie may still give the artist more favorable terms. "The main difference between major labels and independent labels is that independents seem fairer about masters participation. If GoodVibe wanted to sign an artist like Prince—who's already created enormous value for himself—we'd have no problem working out a master co-ownership deal."

Given the RAC's ongoing challenge against the industry status quo, coupled with the changes inherent under the first terms of the Copyright Act, some industry observers predict a change will—and must—come.

"With the challenges we'll see by statute as well as by artists lobbying for reform, we should expect more governmental oversight—which will hopefully increase the opportunity for a fairer negotiation process," McMillan says. "For example, publishers don't usually buy out 100% of an artist's publishing. They'll work out a co-publishing arrangement—eight, 10, or 12 years—and negotiate a reversion clause. Since that's so customary in publishing and they're making a tremendous profit from that, then the recording side should consider doing business in a similar way."

Under a new deal with New York-based Magnatar Records, the Main Ingredient negotiated control of its masters. However, after more than 30 years in the business, group member Silvester questions the inequities that still exist. "Once you pay for a car, it's yours. But if you make a record, pay for the actual recording, and recoup all other costs, you still don't own the record. There's something wrong with that."

Additional reporting by Bill Holland in Washington, D.C., and Adam White in London.

✱ Sound Recordings & Copyright Act's Termination Right ✱

BY BILL HOLLAND

WASHINGTON, D.C.—The vast majority of recording artists (black and white) who want to reclaim their masters and other recorded material will most likely have to take part in expensive future litigation against record companies—cases that will involve interpretation of the Copyright Act's termination right. For both sides, the stakes are high, and the legal fights won't come cheap.

Many copyright law experts say the termination provision of the Copyright Act applies to recording artists as the "authors" and hence owners of sound recordings and that they should be able to reclaim their ownership after a period of exploitation by record companies. Record companies, whose financial profiles and security are intertwined with the ownership in perpetuity of their vast recording vaults of millions of masters, disagree.

There are three categories of sound recordings that are affected by the Copyright Act's termination right, each of them defined by the date of the copyright registration of the original master recording by a record company.

First, under the provisions of the current revised Copyright Act of 1976 (which was enacted in 1978), experts say the "authors" or owners of sound recordings recorded after Jan. 1, 1978, can reclaim their ownership of the item after 35 years—in other words, 35 years after that date or beyond, depending on the registration of the recording. That's a date that begins in 2013. Notice must be given to the

record company 10 years beforehand, starting in 2003.

Older recordings are afforded different status as far as the termination clause is concerned. The revised act says sound recordings created between Feb. 15, 1972, and Jan. 1, 1978, can employ the termination right—at the end of 56 years of exploitation. This will kick in between the years of 2018 and 2028. Notice must be given to the record company 10 years ahead of time, or from 2008 to 2018.

Before 1972, however, no right in federal law existed that allowed the registration of a sound recording for copyright (unlike the underlying words and music). Before that date, the Copyright Act did not have a provision that made a sound recording a copyrighted work. The revised act did not remedy this. Therefore, pre-1972 recordings are not protected by the current copyright law, nor are they offered the termination right—state laws apply instead.

If artists in this category want to obtain the rights to their recordings—which by contract are usually given to record companies—then they would have to pursue other areas of law, such as the "failure to compensate" royalties in contract law.

Many copyright law experts maintain that in most cases, since the creation of a modern (post-1978) sound recording usually stems from the artist and since the master recording is the work of the artist that is handed to a company as a finished project to be accepted or rejected, then the ownership of the recording resides with the artist and should revert to the artist after 35 years.

They also point out that the Copyright Act states that the termination right apply "notwithstanding any agreement to the contrary," meaning the right cannot be contracted away.

The Copyright Act grants this right of termination to all authors except those whose creations are "works made for hire." Some works made for hire fall under the employer-employee definition, which does not apply to recording artists. There are specific other categories of works for hire, including contributions to a collective work and a compilation. There is not a sound recording category, nor are sound recordings mentioned in any language accompanying the revised 1976 act.

In 1999, without customary debate, the Recording Industry Assn. of America (RIAA) inserted legislation into an unrelated bill that added sound recordings to the list of works made for hire. That legislation was signed into law in November but repealed by Congress the next year, after a coalition of artists' groups complained the change was a substantial change in the law and not, as the RIAA argued, a technical correction.

Record company lawyers now argue that even without the excised sound-recording category, modern-era recordings can fit into the definitions of a "contribution to a collective work" or a "compilation." Artists and their representatives argue most or all recordings do not.

Congress asked both sides to meet to find a non-legislative resolution. Industry observers believe that once the predicted litigation between artists and companies regarding ownership of masters begins in earnest, the matter will be decided by the courts.

CARP Takes Middle Ground On Digital Licensing Rates

BY BILL HOLLAND

WASHINGTON, D.C.—The Copyright Arbitration Royalty Panel (CARP) handed down its suggested rates Feb. 20 for the statutory licenses of digital public performance of sound recordings by Webcasters and commercial broadcasters simulcasting digital programs. The CARP took a middle ground, giving neither Webcasters nor the Recording Industry Assn. of America (RIAA) the rates they sought.

The CARP decided Webcasters and commercial broadcasters should pay 0.14 cents per performance for stand-alone streaming digital Webcasts and 0.07 cents per song for simultaneous Internet retransmissions of over-the-air AM or FM broadcasts.

It suggested that noncommercial broadcasters pay 0.02 cents for simultaneous retransmissions and 0.05 cents for other Internet transmissions for up to two side channels of programming and the full 0.14 cents for transmissions on other side channels.

Record companies had sought a compulsory license rate of 0.4 cents

per performance for streaming music. Webcasters wanted 0.15 cents an hour, a rate the RIAA estimated would amount to 0.014 cents per song.

Jonathan Potter, president of the Digital Media Assn.—which represents Webcasters—said the record industry “only got about 35% of what it asked for.” The CARP did not put a premium rate on “listener-influenced” (possibly interactive) Webcasts, as the record industry had requested.

RIAA president/CEO Hilary Rosen said in a written statement: “In setting a rate that is about 10 times that proposed by the Webcasters, the panel clearly concluded that the Webcasters’ proposal was unreasonably low and not credible.”

The Librarian of Congress has until May 21 to approve the rates; a 30-day review period follows. Neither side has yet said it will appeal the rates; lawyers are still analyzing the 100-plus-page, mostly confidential report. Rates will be retroactive to October 1998.

High Court To Hear Copyright Case

BY BILL HOLLAND

WASHINGTON, D.C.—The Supreme Court announced Feb. 19 that it will hear a case this session to determine the legality of the U.S. Copyright Act’s current term of copyright, meaning that the court will decide whether Congress has given U.S. copyright owners too much leeway to restrict free use of creative material at the expense of the public good.

The basic question is constitutional. The founding fathers in their original expression of copyright wrote that “authors” (creators) can enjoy control of their works in the “useful arts” for a “limited time.” But did they envision that more than two centuries later, the heirs of the creators or companies that gained control of the copyrights would exercise ownership control and require fees for the use of the material for a term equal to the life of the author plus 70 years—on up to 160 years?

As a result of the 1998 Sonny Bono Copyright Term Extension Act, the copyright term was increased for the 11th time since the 1780s. Proponents successfully convinced lawmakers that the U.S. should adopt the longer term to be on equal footing with the copyright laws of European trading partners.

The lawsuit, *Eldred vs. Ashcroft*, was brought by a book publisher of works in the public domain. Proponents of the current law have won at both the district and appeals court level. Opponents’ lawyers argue that the long term of copyright control does not benefit the public, because the majority of out-of-print works languish and are not exploited.

The record industry, performance rights societies, and music publishers oppose the challenge to the current law. Artists’ attorneys are split on whether the extension unfairly gives more weight to creators but believe that record companies should not benefit at the expense of artists.

ASCAP, BMI, National Music Publishers’ Assn., and the Recording Industry Assn. of America were parties to a friend-of-the-court brief siding with copyright owners when the case went to the appeals court in 2000. Many artists’ heirs, managers, and lawyers side with the industry but also feel authors should be able to reclaim the works after a period of exploitation by companies, a right granted by the Copyright Act to all works but those viewed as works made for hire.

“I’m all for copyright term extension, to maintain the integrity of the artists’ intentions,” says Gail Zappa, widow of recording artist/composer Frank Zappa, “even though for most it’s an uphill fight to get control.” Frank Zappa got ownership of his masters before he died; his widow owns them but has sold the distribution rights to Rykodisc.

Opponents of the current law argue that extension of the term also stifles the growth of the Internet by delaying availability of hundreds of books, movies, and songs online.

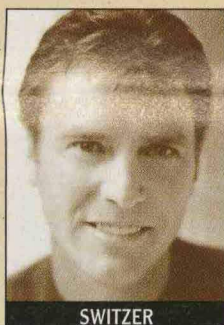
Jay Rosenthal, an activist artists’ lawyer who works with the Recording Artists Coalition, disagrees. He says, “It doesn’t stifle anything. It just means these companies who thrive by selling public-domain material can’t get the stuff for free.”

Lawyers like Fred Goldring feel the longer terms hurt the public interest. “The copyright laws were designed to protect the public by making works available, not [to] protect artists or companies. The laws have been bastardized because of the lobbying of the companies for longer and longer terms. I mean, what artists have been in there lobbying for longer copyright term laws? No, it’s the companies—they’re the ones that make all the money.”

By accepting a review, Goldring believes the high court justices may be pondering, “Maybe we’ve lost sight of who the copyright laws are designed to protect.”



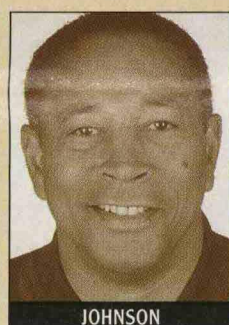
Executive Turntable



SWITZER



MUCKLE



JOHNSON

RECORD COMPANIES: Bryan Switzer is named senior VP of promotion for Universal South in Nashville. He was VP/GM of Atlantic Records Nashville.

Sonia Muckle is promoted to senior VP of publicity for Jive Records in New York City. She was VP of publicity.

Motown Records promotes Shanté Paige to VP of A&R in New York. Motown also names Michael Johnson senior VP of marketing and promotions in New York. They were, respectively, senior director of A&R, and senior VP of R&B promotions at Arista Records.

Chris Gobalakrishna is promoted to VP of finance for BMG North America in New York. He was senior director of finance for Arista Records.

Cynthia Johnson is named VP of urban promotion for J Records in New York. She was senior VP of urban promotion at

Columbia Records.

David G. Jacoby is promoted to senior counsel for Sony Music Entertainment in New York. He was counsel.

Lisa Buckler is named director of marketing for Legacy Recordings in New York. She was director of Sony Music Direct.

PUBLISHERS: Jon Mabe is named senior director of creative/writer artist development for Big Picture Entertainment in Nashville. He was creative director for EMI.

Kenny Cordova is named director for Clear Mind/Clear Heart Publishing in Miami. He was creative manager for Universal Music Publishing Latin America.

RELATED FIELDS: Eric Wilson is named a talent agent for Evolution Talent Agency in New York. He was senior VP/partner for Famous Artists Agency.

Levy Realigns EMI Throughout Europe

BY GORDON MASSON

LONDON—In a bid to finish his global review of EMI Recorded Music before the close of the current financial year in March, chairman/CEO Alain Levy continues to realign the business worldwide, realizing his vision of one chief in each territory running both Capitol and Virgin.

During the past two weeks, Levy has undertaken the most radical restructuring of the group’s recorded music business since the company bought Richard Branson’s Virgin in 1992. With many of the managing directors throughout EMI’s territories expecting the axe to fall any day, a large portion of the £85 million-plus (\$121 million) arsenal that Levy was given by his board to restructure the recorded music division will likely be used for severance packages. When former EMI Group chairman Jim Ffield departed, he received total payments from the company (in 1998 and 1999) of £9.2 million (\$13.1 million). There is now speculation regarding whether the package offered to Levy’s predecessor, Ken Berry, will reach a similar figure.

Having dealt with the U.S., the U.K., and Germany earlier in the year, the group has now introduced Levy’s “two separate labels, one shared strategy” template in France, Spain, Sweden, Denmark, Norway, and Argentina.

In keeping with that vision, Toshiba-EMI in Japan has created a new international division combining the

EMI and Virgin international departments. The division, employing 32 people, will be headed by GM Shuichi Kibe, who reports to Toshiba-EMI president Masaaki Saito. The companies’ A&R teams will continue to work separately. Changes elsewhere include:

- France: Alain Artaud has been appointed president of Capitol Records, and Laurent Chapeau will be president of Virgin Records. Artaud was GM of Source and of the labels

Ferreira, managing director of EMI Recorded Music Portugal, will report to de Buretel for the time being.

- Argentina: Alejandro Varela replaces Ruiz as managing director of EMI Recorded Music Argentina. He will report to Rafael Gil, president/CEO of EMI Recorded Music Latin America. Varela had been the company’s marketing director.

In Scandinavia, de Buretel has already established his immediate chain of command:

- Sweden: Asa Torneryd becomes president of EMI Recorded Music Sweden, as Stefan Gullberg, managing director of Capitol Records Sweden, departs. Torneryd was managing director of Virgin Records Sweden.

- Norway: Virgin Records Norway managing director Per Eirik Johansen becomes president of EMI Recorded Music Norway, while Nils Heldal, managing director of Capitol Records Norway, is out.

- Denmark: Breaking his pattern of promoting the Virgin managing directors and firing the EMI bosses, de Buretel appointed Michael Ritto president of EMI Recorded Music Denmark, rather than go with Henriette Blix, managing director of Virgin Records Denmark, who is leaving the company. Ritto was managing director of EMI Medley Denmark, as well as Capitol’s regional head for Scandinavia and Finland. Veikko Koivumaki continues as head of EMI Recorded Music Finland.



division of Virgin France, while Chapeau was GM of Virgin Records France. Both will report to Emmanuel de Buretel, president of EMI Recorded Music France. All European heads report to de Buretel under his more familiar guise as EMI Recorded Music Continental Europe chairman/CEO.

- Spain: Roberto “Chacho” Ruiz becomes the new president of EMI Recorded Music Spain. Ruiz, who was president of EMI Recorded Music Argentina, moves across the Atlantic following the exit of Miguel Angel Gómez, president of the Iberian regional division of Capitol Records. Virgin managing director Lydia Fernández will stay on, reporting to Ruiz. David

COUNTRY

RYAN ADAMS
HARLEY ALLEN
ASLEEP AT THE WHEEL
BROOKS & DUNN
ROBERT LEE CASTLEMAN
SHERYL CROW
DIAMOND RIO
JERRY DOUGLAS
GLEN DUNCAN
PAT ENRIGHT
VINCE GILL
DON HENLEY
GEORGE JONES
BILL KIRCHEN
ALISON KRAUSS
ALBERT LEE
LONESTAR
PATTY LOVELESS
RICHIE MCDONALD
TIM MCGRAW
WILLIE NELSON
DOLLY PARTON
EARL SCRUGGS
GARY SCRUGGS
RANDY SCRUGGS
SHAYE SMITH
RALPH STANLEY
MARTY STUART
SONNY TILLIS
BOBBY TOMBERLIN
DAN TYMINSKI
UNION STATION
GILLIAN WELCH
LUCINDA WILLIAMS



ALISON KRAUSS
5 NOMINATIONS
& UNION STATION
3 NOMINATIONS



LINKIN PARK
3 NOMINATIONS

GOSPEL

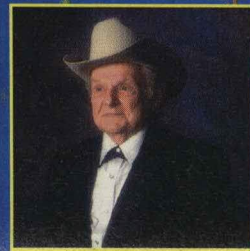
YOLANDA ADAMS
BIG TENT REVIVAL
THE BLIND BOYS OF ALABAMA
KIM BURRELL
THE CHOIR
STEVEN CURTIS CHAPMAN
DC TALK
PERCY GRAY, JR.
MERLE HAGGARD
FRED HAMMOND
TRAMaine HAWKINS
THE JORDANAIREs
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THE LIGHT CRUST DOUGHBOYS
THE OAK RIDGE BOYS
DOTTIE PEOPLES
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ANGIE WINANS
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LATIN

ATERCIOPELADOS
RAMON AYALA Y SUS BRAVOS
DEL NORTE
ROBERT BLADES
CRISTIAN
FREDDY FENDER
DAVID LEE GARZA Y LOS
MUSICALES
JUANES
OSCAR D'LEON Y WLADIMIR
LOS SUPER SEVEN



TIM MCGRAW
3 NOMINATIONS



RALPH STANLEY
3 NOMINATIONS

MOTION PICTURE & TELEVISION

BRANDON BARNES
MARTIN BRUESTLE
T BONE BURNETT
DANNY ELFMAN
JOHN FLANSBURGH
DAVID HARTLEY
JOHN LINNELL
CLIFF MARTINEZ
RACHEL PORTMAN (PRS)
STING (PRS)
JOHN WILLIAMS

INSTRUMENTAL

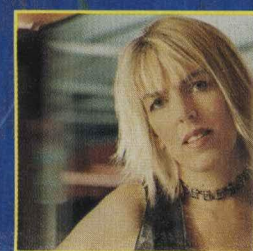
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GEORGE S. CLINTON
KURT ELLING
BELA FLECK
LAURENCE HOBGOOD
EDGAR MEYER
CLAUS OGERMAN (GEMA)
LALO SCHIFRIN
PATRICK WILLIAMS

AND IN 29 OTHER CATEGORIES:

AFRO CELT SOUND SYSTEM (PRS)
EDDIE BLAZONCZYK
BRAVE COMBO
MEL BROOKS
BOOTS COLLINS
LARRY COMBS
DEEP DISH



GILLIAN WELCH
3 NOMINATIONS



LUCINDA WILLIAMS
4 NOMINATIONS

JAZZ

MOSE ALLISON
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DAVE HOLLAND
TONY MACALPINE
JIM MCNEELY TENTET
NICHOLAS PAYTON
SONNY ROLLINS
DAVID SANCHEZ
JACKY TERRASSON

BLUES

DR. JOHN
BUDDY GUY
ETTA JAMES
DELBERT MCCLINTON
KEB' MO'
IKE TURNER
JIMMIE VAUGHAN
KIM WILSON

FOLK

BEAU SOLEIL
T BONE BURNETT
PETER CASE
FREDDY FLETCHER
JOHN HARTFORD
ROGER MCGUINN
JOHNNY MIKE
VERDELL PRIMEAUX
GILLIAN WELCH
LUCINDA WILLIAMS

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DAVID YAZBEK

PAQUITO D'RIVERA
ENYA (IMRO)
BELA FLECK
GILBERTO GIL
LENNY GOMULKA
BERES HAMMOND (PRS)
GARRISON KEILLOR
KITARO
GEORGIA S. LUCKING
KY-MANI MARLEY
JOHN MCLAUGHLIN (PRS)
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MOBY
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Billboard Music Group

The Music Industry's Web Of Intrigue

Imagine an industry that has allocated (and mostly spent) more than \$4 billion in funds on ventures that have thus far made back less than \$1 million—globally. Think about it. Spending \$4 billion to earn under \$1 million. If such calamitous business practices seem like a scenario for a possible “industry meltdown,” you’ve reached the same conclusion regarding the profitable prospects of online digital music sales as OC&C Strategy Consultants, a London-based international financial advisory firm for media industries. In a new study titled *The Digital Dilemma—Making Music, Losing Money?* OC&C merged comprehensive fact-finding discussions with more than 50 players in the U.S. and the U.K.—including music labels, online music retailers, digital-rights management execs, and digital intermediaries or digital service providers—into a damning report, concluding that “paid-for digital music still accounts for less than 0.01% of sales in any market.”

Legitimate download services and digital subscription models sanctioned by the music business have resulted in a monumental loss of both money and time for a hard-pressed industry. One of the functions of this trade publication is to inform readers of where best to put their money, and since 1999, this columnist has examined the faulty business-cum-cultural reasoning behind online music enterprises for corporations and individual copyright holders (Music to My Ears, *Billboard*, Aug. 7, 1999), as well as offered commentary on the “paucity of both Internet profits and online listening audiences” for legitimate downloads and cited “insights from a prior era about interim technologies and their transitional worth” (Music to My Ears, *Billboard*, Oct. 9, 1999). Music and media execs have recently told *Billboard* they do not expect any profits in online digital music sales for at least two years. Technical and financial experts this columnist canvassed during the past three years have privately concluded there may not be any profits in this realm during this decade—if ever—and have pulled their money from it.

The Web and technology have their uses (this publication goes to press electronically each week), but the mere existence of either entity is no guarantee of diverse viability. The 1899-1926 pre-history of popular radio provides instructive parallels, being a purportedly “revolutionary” communication medium that remained limited in its applications even when it later reached full functional maturity. By the time the originally headphone-tethered “ham” (a merger of the words “hobbyist” and “amateur”) radio evolved to feature the widely accepted on/off switch and the loudspeaker—whereby consumers needed no preparatory skills for maximum enjoyment—it had receded into the background of public life. Unless, that is, it had something of unprecedented substance to offer—in which case, the airwaves seemed even more invisible as a vehicle for imaginative programming that transcended its context.

Myopic technologists and greedy software manufacturers always argue that the medium is the destination—and they’re regularly mistaken. Music downloads, for example, are primitive trinkets that miscomprehend both the transient “personal broadcasting” allure of file swapping and the more lasting, pride-of-ownership appeal of quality physical product. The do-it-yourself perspective is never the most evolved or lucrative point in a product’s life cycle; rather, the nobody-does-it-better position is, and short-sighted record companies will regret relinquishing claims to practical superiority. In fact, the music industry has spent the past two decades diminishing the experience of recorded music, whether reducing the size and merit of most CD packaging to the point where it’s too paltry to invite lasting curiosity or proffering the often thin and tinny sound of digital music as if it’s a “perfect” product.

A casual survey of top artists this writer has recently visited in studios revealed that analog recording is regularly preferred due to the myriad aural attributes of that process, regardless of whether the final music is (however reluctantly) poured into a digital mold for buyers. Until the day that U2, Yo-Yo Ma, or McCoy Tyner are willing to trade their master tapes with any passerby for either the downloaded, burned, or commercially purchased copies of those same recordings, you can be certain that corporate pronouncements about the vast marketplace value of digital music are all saddle and no horse.

Conventional piracy and the middle-class larceny of large-scale online bootlegging via CD burning or other means should be prosecuted. But years of ongoing reportorial inquiries have yielded anecdotal reasons for the proliferation of peer-to-peer

file swapping. Chief among them are the frustrations of commercial radio, which plays little that’s surprising beyond certain singles or format-restricted remixes of those singles—neither of which are usually available for individual purchase. The record industry has adopted the off-putting and commercially poisonous habit of telling consumers what they want rather than answering their needs and complaints. Recent studies show that even hardcore fans have scant knowledge of the latest releases by established acts. The satisfactions of album-length releases have been systematically obscured in the marketplace by limited public exposure on either radio or TV. Many of the songs receiving the most aggressive pushes are designed to appeal to the prurient interests of nominal/cursory listeners. Such tacky sideshows rarely translate into a stable consumer base.

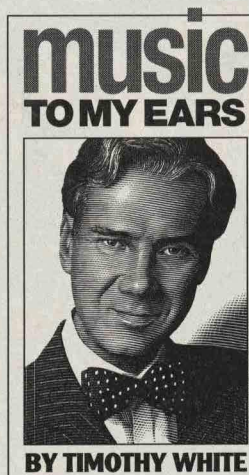
At a time when specious accounting practices in the business community are being assailed, the Recording Industry Assn. of America was touting Shaggy’s 2000 *Hotshot* release as the best-selling album of 2001 with an alleged 5 1/2 million units sold. Actually, that figure was, at best, the sum of *shipments* in 2001—an archaic and hype-prone method when compared with SoundScan’s hard tallies of 4.81 million units purchased of Linkin Park’s *Hybrid Theory* vs. 4.52 million units for Shaggy’s album.

Meanwhile, imagine the other ways that the \$4 billion lost on online music ventures might have been spent: for example, on salaries for seasoned employees with the expertise (and sufficient budgets) to sign, market, and distribute the physical products of serious artists whose unique talents could have blossomed into worthy catalogs of recorded music.

Instead, the heavily funded online sphere has become a web of intrigue for any businesses intent on siphoning cash while eluding the operating guidelines and logical expectations that generally govern the rest of the capitalistic landscape. (Attention stockholders of the tech persuasion: When was the last time you saw cash dividends?) Clumsy phrases like the “complex economies of developing e-commerce” arise whenever excuses are being made for MusicNet and Pressplay, the major-labels’ widely panned online digital music rental sites (“Hitting All the Wrong Notes” was the headline on *TIME*’s Feb. 25 evaluation), which are more likely calculated to increase corporate ownership of the tracks than extend services to fans. MusicNet and Pressplay are proving as reluctant to cut credible deals with artists and publishers for copyrighted music as was the illicit Napster file-sharing enterprise that the majors battled to disconnect. Somehow, it’s easy for corporations to find \$4 billion for murky digital goose chases but hard for them to accept the basic cost of doing business. At least the Copyright Arbitration Royalty Panel, in its Feb. 20 recommendations to the Library of Congress, called for direct payment to artists of non-subscription Webcast digital royalties, but such payments should extend to all digital modes of music delivery, broadcast, and distribution. Show all parties the money.

Almost as disappointingly elusive as online music profits are the rising number of out-of-power music and media executives who once undermined artists’ cases for copyright and contract issues before assorted industry and governmental bodies, only to sometimes flip their positions after parachuting from their respective posts. This was evidenced by a recent statement from former BMG U.K. & Europe president Richard Griffiths, just hired as international president of a U.S. artist management firm, who *now* amazingly asserts, “In the record business, people are realizing that record companies only care about selling records, therefore they don’t care about long-term careers.”

Indeed. And Congress, the Department of Justice, European parliaments, and investigative agencies in Brussels or elsewhere should realize that the overwhelming majority of long-term careers in the music industry are those of the artists, whose creative legacies last far longer than the opportunistic policies of most of the music executives and corporate entities associated with them. In the digital revolution, cynics fought crassly for market share and the spoils of venture capital. In the American Revolution, citizens fought courageously for the right to be law-abiding corporations unto themselves if they so chose. If one creator/copyright holder seeking legitimate protection and compensation for his or her music cannot prevail against an array of high-handed holding companies seeking to avoid fair play and honest obligations, we are facing a threat to our social democracy that will equal or surpass the industry meltdown we may yet invite.



BY TIMOTHY WHITE

The POWER of Recognition

RECORD OF THE YEAR

India.Arie
Alicia Keys
Kerry "Krucial" Brothers
Outkast
Earthtone III
Train
Brendan O'Brien
Nick DiDia
U2 (PRS)
Brian Eno (PRS)
Daniel Lanois

ALBUM OF THE YEAR

India.Arie
Dave Way
Mark Niemiec
Outkast
Earthtone III
U2 (PRS)
Brian Eno (PRS)
Daniel Lanois
Tim Palmer
Richard Stannard
Mike Piersante

SONG OF THE YEAR

Charlie Colin
Rob Hotchkiss
Pat Monahan
Jimmy Stafford
Alicia Keys
U2 (PRS)
India.Arie
Nelly Furtado (SOCAN)

BEST NEW ARTIST

India.Arie
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Nelly Furtado (SOCAN)
Alicia Keys
Linkin Park

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THE INTERNATIONAL NEWSWEEKLY OF MUSIC, VIDEO, AND HOME ENTERTAINMENT

MARCH 9, 2002

Columbia's Kidjo Bares Her 'Black Ivory Soul'



BY JILL PESSERNICK

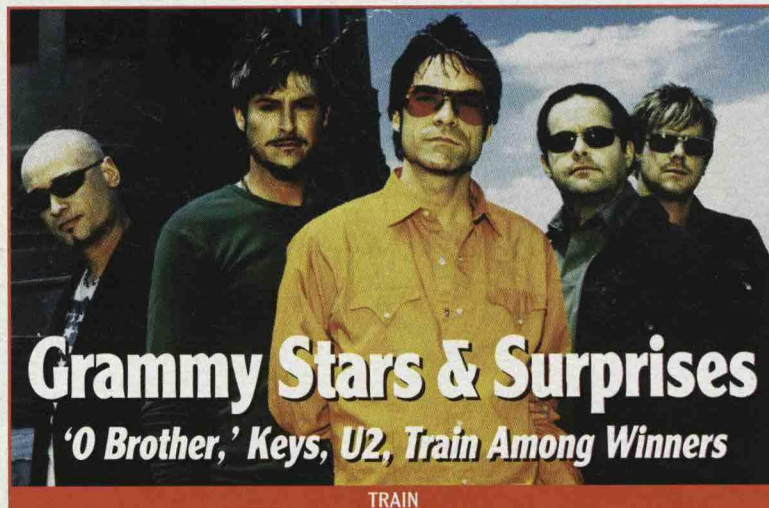
LOS ANGELES—It's a long story, one filled with pain, emotional confusion, and ultimately, jubilation. West African singer/songwriter *Angélique Kidjo* just cannot explain the origins of *Black Ivory Soul*—a deeply joyful and always passionate expression of the kinship between African and Brazilian music, which is due in stores March 19 on Columbia—without discussing the history of her native Benin and her first exposure to the horrors of slavery.

The set is her seventh solo album and her first studio project

for Columbia. It can be directly attributed to a day when Kidjo, at the age of 15, first learned about apartheid in South Africa. She recalls being in a rage of such force that she could not speak to her beloved parents for a full day. Still reeling from the knowledge that Benin citizens had been exported for years to Brazil as slaves (who were known among traders as "black ivory"), Kidjo did not know how to fully deal with her emotions.

"My parents were wise enough to let me go on and on," Kidjo says. "When I calmed down, they told me, 'We understand your feelings, but you cannot react like that. It's nobody's fault. It's the past. In the future, your duty as a human being is to make your life and work bring all human beings together.'"

From early on in her career as a musi-
(Continued on page 86)



Grammy Stars & Surprises

'O Brother,' Keys, U2, Train Among Winners

TRAIN

BY GAIL MITCHELL
and MELINDA NEWMAN

LOS ANGELES—Music's rich heritage and promising future were the cornerstones of the 44th annual Grammy Awards held Feb. 27 at Los Angeles' Staples Center.

The surprising Cinderella story of the *O Brother, Where Art Thou?* soundtrack—a best-selling roots

music album that did not receive any radio airplay—traveled full-circle with its cache of four wins, including one for album of the year. The Lost Highway project's helmer, T-Bone Burnett, also received the honor for producer of the year, non-classical.

O Brother, Where Art Thou?—which, according to SoundScan, has
(Continued on page 83)

**Billboard Goes To
The Grammys**
SEE PAGES 83-85

Congress Sees Napster Case In Antitrust Light

BY BILL HOLLAND

WASHINGTON, D.C.—Federal lawmakers say they are now more concerned about industry antitrust and ownership issues after the Feb. 21 ruling by a judge denying a request by

the Recording Industry Assn. of America (RIAA) and music publishers for a

RAC CONCERTS WRAP-UP: PAGE 4

summary judgment in the copyright-infringement case against Napster.

Judge Marilyn Hall Patel of the U.S. District Court for the Northern District of California ruled instead for a stay or continuance of the case, because she feels Napster's allegations
(Continued on page 68)

Mould Joins United Musicians

BY CHRIS MORRIS

LOS ANGELES—The March 12 release of *Modulate*, Bob Mould's first album in four years, will mark both the bow of the singer/guitarist's own label, Granary Music, and the company's association with United Musicians, the label collective founded by artists Aimee Mann and Michael Penn.

Mann's manager, Michael Hausman—who is also a principal in United Musicians—says Mould and his label are ideal components for the artist-dedicated operation.

"It's really a very specific artist who wants to do this kind of thing," Hausman says. "It's an artist at a certain point of their career who
(Continued on page 87)

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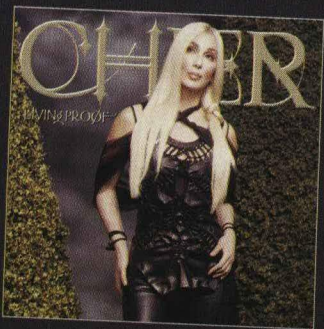
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Napster Case

Continued from page 1

that labels have colluded in discriminatory licensing and might not own the infringed copyrights warrant scrutiny.

A spokesman for Sen. Orrin Hatch, R-Utah, told *Billboard* the lawmaker is heartened that worries about both possible industry licensing collusion and the murky work-for-hire ownership status may now be plumbed and clarified by the court.

The Hatch spokesman says, "That's the single best thing for the artists as far as who owns rights and who doesn't. It's hard to tell now, but what's important is [that] it's forcing the industry to prove whether they own certain rights. Some people thought the work-for-hire issue might take until 2013 [when creators' reversion rights kick in], but it might take shape and come into the public arena sooner rather than later." Hatch is the ranking Republican on the Senate Judiciary Committee, and he was chairman before the Democrats assumed leadership last year.

Rep. Chris Cannon, R-Utah, tells *Billboard* that the ruling "validates everything I have been saying about the digital music issue for the last year. The collusion among the labels in forming Pressplay and MusicNet is a concern to a number of us on Capitol Hill, in the Justice Department, and in the artistic community. Now it's clear that at least one federal judge has serious concerns as well."

Cannon is a co-sponsor of the

still-pending Music Online Copyright Act (MOCA), introduced last August. It calls for non-discriminatory licensing among its provisions. Four other House members call the bill "premature." It is also opposed by the RIAA.

Patel ruled that further discovery is needed to study charges by Napster that the major labels have failed to prove ownership of many of the infringed copyrights. Alluding to a brief filed by the Recording Artists Coalition, Patel wrote, "Napster has raised serious questions as to the validity of plaintiffs' claims of ownership as authors, bolstered by the arguments raised by *amicus curiae* [brief filed by] RAC." She ordered a "Special Master" to review the labels' documentation on the copyrights.

Patel ordered the labels to "produce all documentation relevant to their ownership of the works listed as 'works for hire,'" but added that "the court withholds any ruling on the work-for-hire issue, the scope of plaintiffs' rights, and the extent to which plaintiffs are protected by the presumption of ownership until further discovery is completed."

Patel also granted discovery on Napster charges that the major labels have engaged in "copyright misuse" and that Pressplay and MusicNet employ anti-competitive licensing practices. Those charges are also under investigation by the Department of Justice.

"Napster's allegations of misuse are without merit, as the discovery ordered by the court will confirm," said RIAA senior executive VP/general counsel Cary Sherman in a statement.

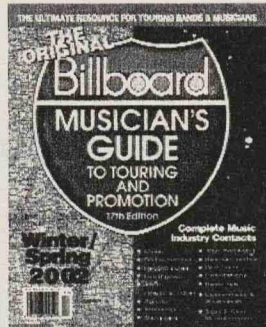
Patel ordered a "status conference" for March 27.

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WE SHIP WORLDWIDE

WIPO Treaty To Come Into Force Without EU Backing

BY GORDON MASSON
and KAI R. LOFTHUS

LONDON—The first global legal framework for record companies to protect repertoire on the Internet will come into force May 20, after Honduras became the crucial 30th nation to rat-

ify the World Intellectual Property Organization's (WIPO) Performances and Phonograms Treaty (WPPT).

The WPPT was one of two treaties initiated in 1996 by the United Nations' Geneva, Switzerland-based WIPO to provide guidelines to the music industry and its commercial partners for operating within the digital arena. Both the WPPT and the other 1996 treaty, the WIPO Copyright Treaty—which comes into force March 6—are ratified by the U.S. But several major markets, including the European Union, have yet to ratify the treaties.

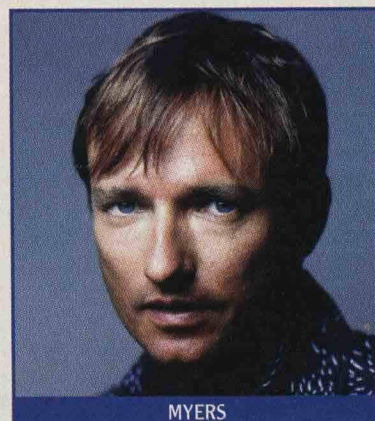
Welcomed by the International Federation of the Phonographic Industry, the WPPT has also received backing from artist management and online music services, though doubts remain regarding whether it can be properly enforced.

In essence, the WPPT modernizes the Rome Convention of 1961 and grants record companies exclusive worldwide rights to reproduce and distribute repertoire via the Internet, while also assigning labels legal backing to use such technical measures as encryption to curb unauthorized exploitation of CDs.

IFPI London-based chairman/CEO Jay Berman explained in a statement, "[The WPPT] provides essential tools for

the record industry to do business [online] and strengthens our industry's protection from piracy on the Internet."

The WPPT's coming of age has also been welcomed by those representing



MYERS

pen by the end of this year."

Sounding a note of caution, Parker says, "The problem is that a lot of the countries that originally signed up to the treaty [there were more than 60] may not ratify it at the end of the day. Also, not all of the countries in the world will ratify it anyway, and it will always be possible to find a country that isn't covered by the WIPO treaty and set up infringing sites there."

Paul Myers, founder and CEO of peer-to-peer music file sharing service Wipit, says, "The key to this whole issue is how well it is policed. In my view, until every world territory is included, this is not 100% effective."

Urging better enforcement to back up legislation, Myers says, "Unless there is an internationally approved task force that goes in, closes down, and ceases operations before an operation gets too popular, rights owners will

always be far too far behind the curve to really get any major gains. Legislation is one angle, but the entertainment industry must compete head-on and start building value for the consumer again from the ground up. By offering services and pricing options that are both out of touch with consumer requirements and as exciting as a sight-seeing tour for the blind in Luxembourg in the rain, only half the problem is addressed with legislation."

Parker adds, "The point about all of this stuff is that the law is still developing, and we're still a long way from finding out how the ultimate scheme is going to work. But the theory is that if everybody has more or less the same law, and in particular [recognizes the] rights of performers and copyright owners, that will enable people to take advantage of the Internet and drive more business that way."

In The News

- The Copyright Arbitration Royalty Panel (CARP), in its recommendations to the Library of Congress, has called for direct payment of non-subscription Webcast digital royalties to recording artists. This means that artists or their agents will receive their statutory 50% split of royalties from monies upfront rather than having them applied to their label royalty accounts. Most artists have unrecovered balances, which means they might never have seen the monies. The royalties will stem from licenses of non-subscription, "streamed" digital public performance of sound recordings by Webcasters and commercial broadcasters' digital simulcasts. The CARP decided Webcasters and commercial broadcasters should pay 0.14 cents per performance for stand-alone streaming digital Webcasts and 0.07 cents per song for digitally simulcast AM or FM broadcasts.

- Silverline Records has signed a long-term licensing deal with Sanctuary Records to release DVD-Audio titles. The deal gives Silverline—the first label to release a DVD-A disc—exclusive license rights to produce DVD-A discs based on 140 past and future Sanctuary albums. Beginning in April, Silverline will release several titles each month from such acts as Joey Ramone, Bob Marley, Widespread Panic, Styx, and Lynyrd Skynyrd.

- Paul McCartney's Drivin' USA tour will begin April 1 at the Oakland (Calif.) Arena and include 27 shows, including multiples in some markets. Clear Channel Entertainment (CCE) will produce all dates except those in Washington, D.C.; Dallas; and Tampa, Fla., which will be produced by AEG Live. The Los Angeles stop on the tour will be co-produced by CCE and AEG Live. On-sales are expected to be announced in the coming days, and sources say a second leg is also being considered.

- Clear Channel Communications' fourth-quarter net loss nearly doubled to \$365.6 million, or 61 cents per share, as revenue fell 7.8% to \$1.86 billion. It expects to take a non-cash charge of \$15 billion-\$25 billion because of a new accounting standard requiring it to write down good will and other intangible assets that have declined in value. The same rule is forcing AOL Time Warner to take a \$40 billion-\$60 billion charge (*Billboard*, Jan. 19).

New Lobby Against Pro-Artist Labor Bill

BY BILL HOLLAND
and MELINDA NEWMAN

WASHINGTON, D.C.—The California Music Coalition (CMC), a new lobbying organization composed of 29 major labels, 14 state indie labels, and other auxiliary music-related California service companies—but not any artist members—has formed to oppose California State Senate Bill 1246, which would amend the state's personal-service contract statute.

The Recording Industry Assn. of America (RIAA), which has been lobbying against the change, is a member of the CMC and is helping fund the organization, as well as soliciting members to join.

Under the state labor code, recording artists are the only employees who can be held to personal-service contracts for more than seven years. Bill 1246 aims to repeal the subsection of the California statute that allows labels to sue artists who leave owing undelivered albums.

CMC's members contend that repeal of the subsection would have "unintended consequences" and increase California labels' risk in investing in artists, thereby leading to decreased record company investment in new artists and the potential loss of industry jobs in the state.

A number of CMC's members, including Concord Records head Glen

Barros and Ark 21 founder Miles Copeland, act as representatives for the group. "If this bill passes," Barros says, "my ability to discover, represent, and promote new talent would be reduced. This [bill] benefits a few people who have already made the grade [but works] to the detriment of small businesses like ours."

RIAA president/CEO Hilary Rosen decries what she called media attempts to polarize labels and artists. "It's more like a family feud," Rosen says. "We're not here to attack anybody." The RIAA spent more than \$60,000 on lobbying fees and political contributions in California in fourth-quarter 2001 (*Billboard*, Feb. 11).

Recording Artists Coalition co-founder Don Henley, who supports Bill 1246, called the formation of the CMC "overkill" and "an idle threat," adding "they were doing business very successfully in the state of California for over 40 years before they got this [statute subsection in] 1987."

Barros tells *Billboard* that Rosen "contacted me about this issue. There's no question that there are many, many problems with record contracts being unfair to artists, but I think the artists are jumping on the wrong bandwagon here." Concord is owned by Act III Communications, Norman Lear's Los Angeles-based multimedia company.



Market Watch

A Weekly National Music Sales Report

YEAR-TO-DATE OVERALL UNIT SALES

	2001	2002	
Total	113,038,000	100,553,000	(↓11.0%)
Albums	107,249,000	98,126,000	(↓8.5%)
Singles	5,789,000	2,247,000	(↓58.1%)

YEAR-TO-DATE SALES BY ALBUM FORMAT

	2001	2002	
CD	98,868,000	92,291,000	(↓6.7%)
Cassette	8,173,000	5,601,000	(↓31.5%)
Other	208,000	234,000	(↑12.5%)

OVERALL UNIT SALES

This Week	12,193,000	This Week 2001	14,745,000
Last Week	14,801,000	Change 2000	(↓17.3%)
Change	(↓17.6%)		

ALBUM SALES

This Week	11,895,000	This Week 2001	13,839,000
Last Week	14,470,000	Change 2000	(↓14.0%)
Change	(↓17.8%)		

SINGLES SALES

This Week	298,000	This Week 2001	906,000
Last Week	331,000	Change 2000	(↓67.1%)
Change	(↓10.0%)		

YEAR-TO-DATE ALBUM SALES BY STORE TYPE

	2001	2002	
Chain	60,421,000	52,021,000	(↓13.9%)
Independent	14,510,000	12,734,000	(↓12.2%)
Mass Merchant	28,602,000	30,029,000	(↑5.0%)
Nontraditional	3,716,000	3,340,000	(↓10.1%)

YEAR-TO-DATE SALES BY ALBUM CATEGORY

	2001	2002	
Current	65,912,000	58,869,000	(↓11.1%)
Catalog	41,347,000	39,257,000	(↓5.1%)
Deep Catalog	28,407,000	27,279,000	(↓4.0%)

Footnote: In calculating current market share, SoundScan counts only album sales that have occurred within the first 18 months of a title's release (12 months for classical and jazz albums), except for titles that stay in the top half of *The Billboard* 200, in which case sales continue to count as current until a title falls below No. 100. Catalog market share counts sales generated by titles out for more than 18 months, excluding the exceptions noted above. Deep catalog is a subset of catalog, which reflects titles that have been out for more than 36 months.

ROUNDED FIGURES

FOR WEEK ENDING 2/24/02

Compiled from a national sample of retail store and rack sales reports collected, compiled, and provided by SoundScan®



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Turkewitz Travels Globe Foiling Pirates

Music Industry Expert Sends New List Of Culprit Nations To U.S. Trade Officials

BY BILL HOLLAND

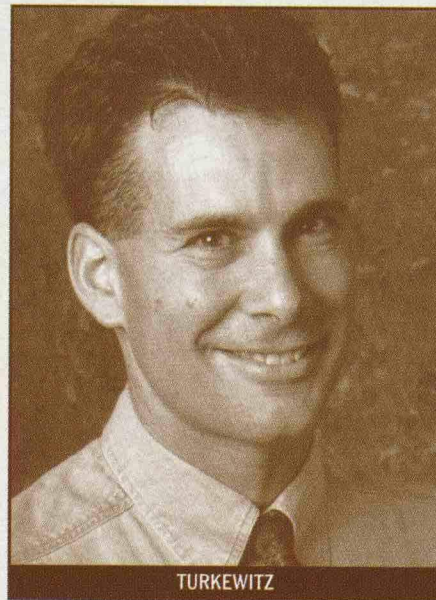
WASHINGTON, D.C.—The Recording Industry Assn. of America (RIAA), in conjunction with the film, software, and book publishing industries, has filed its semi-annual report with the Office of the U.S. Trade Representative (USTR), outlining the near-catastrophic effects of international piracy not only on U.S. product but to home-country artists and record companies in 64 countries. The International Federation of the Phonographic Industry estimates \$4.2 billion in piracy-displaced sales losses annually to the global music industry.

The RIAA urged the administration to redouble its efforts to stop the theft of U.S. copyrighted materials in foreign markets, including imposing economic sanctions or withdrawing trade benefits when countries fail to take reasonable steps to afford adequate and effective protection. The Feb. 15 submission spells out the RIAA's concerns about growing illegal CD-R replication, the involvement of organized criminal syndicates in the manufacture and international distribution of pirate CDs, and Internet piracy.

LONG-TERM COSTS

The submission underscores the veteran efforts of the RIAA's Neal Turkewitz, executive VP, international, who for 15 years has been the trade group's sole lawyer dealing directly with foreign governments on the matter of copyright protection.

Turkewitz—who in the past year has flown to more than 20 countries (including Russia, Lebanon, Japan, Singapore, Israel, Mexico, Brazil, and China) to meet with copyright and trade officials—says in addition to U.S. losses to piracy, he is con-



TURKEWITZ

cerned that in some countries where pirated domestic product accounts for 80%-90% of the market, "there's going to be no way creators in that country can make a living. And I think I've been helpful in getting government officials to understand how much piracy affects their own culture. Society bears the long-term costs for these failures."

Turkewitz says he went to law school to become a civil-rights litigator but became fascinated by copyright law. He recalls, "When I told my friends I wanted to go into international copyright, they looked at me like I was crazy." Today, he says his proudest accomplishment is being part of the RIAA's effort in the mid-'90s to get Chinese officials in Beijing to shut down CD plants that were exporting

pirated product throughout the world.

Though Turkewitz says he loves his job, he is not optimistic that piracy can be eradicated from the planet. "The best you can do," he says, "is just make it so uncomfortable for pirates [that they have to break down equipment and move their operations]."

He is also convinced that international piracy is now in the hands of organized crime: "No question. There's Middle Eastern groups, Asian groups; they operate in different countries."

The submission asks the USTR to maintain Ukraine's designation as a top-tier pirate-nation Priority Foreign Country (PFC). Ukraine was designated as a PFC last year, and in 2001, USTR withdrew Ukraine's Generalized System of Preferences benefits and imposed \$75 million in economic sanctions. Ukraine has taken some steps to address the problem of pirate CD production and export, but not enough.

It also asked the USTR to elevate Brazil and Pakistan to the next-tier Priority Watch List (PWL) and to keep a number of other countries on the PWL, including the Dominican Republic, Egypt, Indonesia, Lebanon, the Philippines, Russia, and Taiwan, which are all involved in large-scale piracy. It additionally requested that the USTR continue to monitor China and Paraguay's compliance with agreements reached with the United States.

Turkewitz adds he is also pleased with the Feb. 20 news that Honduras became the final country necessary to ratify the World Intellectual Property Organization phonogram treaty (see story, page 10). It creates the first global system of copyright protection for record companies in the digital era, effective May 20.

Four Sold-Out RAC Benefits Make Money, History

BY RAY WADDELL

LOS ANGELES—From a live-entertainment standpoint, Feb. 26 was a historic night in Los Angeles, with four superstar concerts, four different venues, and four competing promoters—all for a common cause. The Concerts for Artist Rights in L.A. (Billboard, Feb. 9) notched an overall gross of some \$2.8 million and are projected to have netted the Recording Artists Coalition (RAC) \$2.5 million.

Perhaps the highest-profile show of the four took place at the Great Western Forum and featured a lineup of the Eagles, Billy Joel, Stevie Nicks, John Fogerty, and Sheryl Crow, as well as surprise appearances by Tom Petty and Dixie Chicks' Natalie Maines. Clear Channel Entertainment (CCE) produced the Forum show with assistance from Nederlander Concerts. Sources say the gross on the Forum show was north of \$1.5 million, with ticket prices ranging from \$40 to \$175.

"It was a spectacular show," Eagles manager Irving Azoff says. "From a music perspective, it way exceeded everybody's expectations."

Eagles member Don Henley addressed the crowd about the goals of the RAC at the beginning of the Forum show. During his set, Joel—the 1994 Billboard Century Award honoree—told the audience that he had had "vampires suck the blood out of me for 25 years. And they were in L.A. I don't want that to happen to nobody else."

The Universal Amphitheater show, produced by House of Blues (HOB) Concerts, sold all of its 6,089 tickets the day they went on sale. It featured a country lineup of Dwight Yoakam, Trisha Yearwood, Emmylou Harris, and Dixie Chicks, with guest appearances by Earl Scruggs and Crow. The show grossed \$474,615 from tickets priced at \$45, \$65, \$85, and \$125.

"It was like four headliners, because each artist brought down

the house," HOB Concerts senior VP Larry Vallon says of the Ampitheater's all-star country lineup. "There was a good Nashville contingent in town, and it was a really nice backstage hang."

Goldenvoice, part of the AEG Live firm, produced the Long Beach Arena rock show, with a lineup of No Doubt, the Offspring, and Weezer. That show grossed \$638,050 from a sellout of 12,761.

The Wilern Theater concert, produced by CCE, hosted Beck, Pearl Jam's Eddie Vedder, and Mike Ness of Social Distortion, plus unbilled appearances by Mike McCready from Pearl Jam and Radiohead's Thom Yorke. The Wilern show grossed \$110,000 from a sellout crowd of 2,200. "The crowd got what they were looking for—a once-in-a-lifetime experience," says Jim Guerinot, manager of Beck and No Doubt.

Speaking before the concerts, Henley said of the box-office take: "We're going to raise a significant amount of money, and we're going to pay some outstanding bills with it. This is an awareness-raising exercise, but the money that we're going to generate is not insignificant."

The money will go toward existing debt incurred by the RAC. "We have bills to pay dating all the way back to May 2000 from lobbying and lawyering that was going on with the work-for-hire issue," Henley says. "We've had people working for us on a pro-bono basis and a pay-later basis."

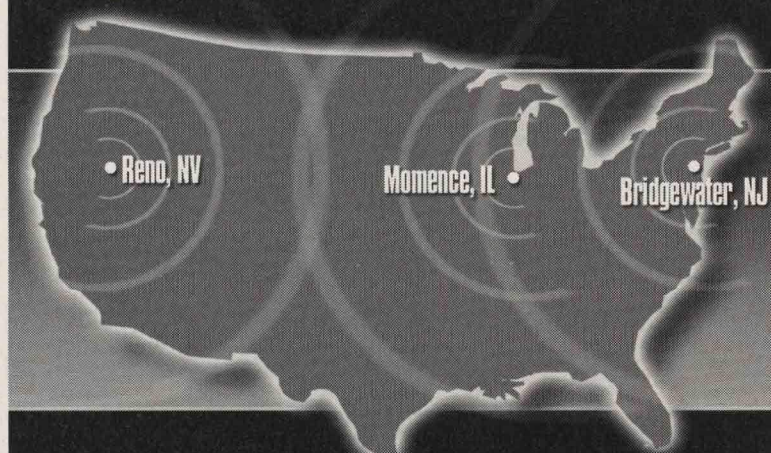
Some of the funds are also earmarked for fighting the music industry's exemption from California's seven-year statute. "We have a lobby group in Sacramento [Calif.] that we've hired, and they've been running a tab since January, so to speak. But there will be enough left over for future work," Henley adds he expects more RAC concerts "as time goes along."

Additional reporting by Melinda Newman in Los Angeles.





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MERCHANTS & MARKETING

Shipments Of Music Drop In 2001

BY BRIAN GARRITY

NEW YORK—U.S. music shipments in 2001 fell 10.3% from the previous year to 968.5 million units, according to new figures from the Recording Industry Assn. of America (RIAA). The value of shipments fell 4.1% to \$13.7 billion.

The RIAA's figures track the number, as well as the list-price value, of all units shipped to retail outlets and other music sellers, while SoundScan reports final sales to consumers. SoundScan reported earlier this year that total unit sales in the U.S. declined 5.25% to 794.1 million from 838.2 million in 2000 (*Billboard*, Jan. 26).

According to the RIAA, total album shipments in 2001 were 929.2 million, down 9%. SoundScan reported that album sales declined 2.85% to 762.8 million units—down from 785.1 million units in 2000.

Part of the discrepancy between album shipments and SoundScan sales figures can be attributed to record clubs, whose sales are not counted by SoundScan, and direct-TV marketing of music, some of which is not counted by SoundScan.

Singles continued their steady decline, with the RIAA reporting 21 million units shipped, a drop of 47%. SoundScan figures show 31 million units sold (down 41%)—more than apparently were shipped. The discrepancy between singles shipments and sales may reflect free goods—which are sold to the public but not necessarily counted in shipment figures—as well as some outstanding product shipped in the previous year but sold in 2001.

Looking at album statistics by configuration, the RIAA reports CD album shipments fell 6.4% to 881.9 million units, with value down 2.3% to \$12.9 billion; cassette album shipments fell 41% to 45 million units, with value down 41.9% to \$363 million. Among other categories, vinyl album shipments showed a slight gain, up 3.7% to 2.3 million; value was down slightly to \$27.4 million. The RIAA also reports a big jump in DVD music video shipments, which rose 139% to 7.9 million units, with value up 138% to \$191 million.

The trade group attributes the overall decline in shipment numbers to online piracy, CD burning, the economy, and the impact of the Sept. 11, 2001, terrorist attacks.

Additional reporting by Ed Christman in New York.

Declarations Of Independents™

by Chris Morris



AFIM ANTICS: There won't be any shortage of interesting gab at the Assn. for Independent Music (AFIM) Convention, which runs concurrently with the National Assn. of Recording Merchandisers confab March 8-12 at the San Francisco Marriott.

As usual, AFIM kicks off with a day of "crash course" panels for entry-level attendees March 8. The sessions—which require separate registration—will focus on legalities and technicalities of the business; production and manufacturing; distribution; sales, marketing, and promotion; and retail. The tireless **Susan Piver Browne** is once again serving as moderator, with **Alexis Kelley** of LiveWire Entertainment Sales & Marketing in Atlanta acting as assistant moderator. Declarations of Independents will participate in the distribution course.

Other indie-oriented highlights include the genre-specific focus workshops (formerly known as special-interest groups) March 9; label-distributor one-on-ones March 11; AFIM's annual Indie Awards banquet, hosted this year by the always hilarious **Loudon Wainwright III**, also on March 11; and the "Indies Sound Off" panel, co-facilitated by *Billboard* senior editor **Ed Christman** and director of charts **Geoff Mayfield**, March 12.

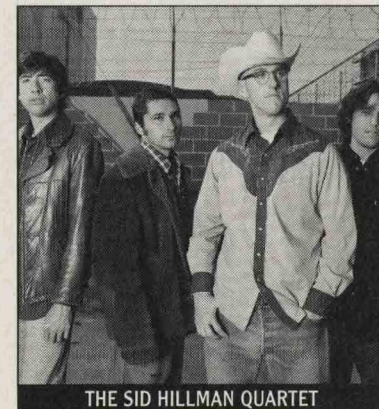
We also highly recommend attending the March 12 seminar "Meet the Mythical Consumer." For the third year in a row, a group of average record shoppers, this time from the Bay Area, will be grilled about their habits, likes, and dislikes. Sessions in Cleveland and Los Angeles the past two years proved revelatory, and you can probably expect nothing less this year.

MORE ON BOARD AT NAVARRE: Navarre Entertainment Media in New Hope, Minn., which has been on something of a label-acquisition binge during the past year, has signed new North American distribution deals with seven indie labels, some of which were formerly handled by now-defunct DNA.

Among the companies is Valley Entertainment, operated by **Barney Cohen**, founder and ex-chairman of DNA's one-time parent Valley Media, which was recently liquidated in bankruptcy proceedings. The deal includes several Valley sub-labels, including DTS, Hearts of Space, AudioQuest, and NYNO Records.

Other new Navarre-distributed firms include Southern California-based Riviera Entertainment and U.K. indies the Sanctuary Group, Snapper Music, JSP Records, Ace Records, and Evangeline Records.

FLAG WAVING: From the lonesome midnight sound of the **Sid Hillman Quartet's** Innerstate Records album *Volume Two*, you'd think that vocalist/principal songwriter **Sid Hillman** scratched out his tunes in the dead



THE SID HILLMAN QUARTET

hours before dawn. Wrong!

"Actually, I write mostly during the day, for more practical reasons," Hillman says. "I have a soundproof studio in my house. It's really dark and quiet, and I go in there with coffee and a cigarette."

Hillman's Los Angeles-based four-piece has been pigeonholed in the alt-country genre, but he notes, "We play usually with other alternative acts. My personal taste for clothing and stuff is country." Among his influences, Hillman cites such decidedly non-countrified performers as **Vic Chesnutt**, **Frank Black**, and **Tom Waits**.

The country-rock label may also have something to do with the fact that Hillman is the nephew of **Chris Hillman**, former member of such keystone acts in the genre as **the Byrds**, **the Flying Burrito Brothers**, and **the Desert Rose Band**.

While Sid Hillman is justly proud of the lineage, he is also uncomfortable when too much is made of the familial association. "I get along with [Chris] great, and the heritage is obviously important," he says. "But I made the decision I wasn't going to attach myself publicly. Of course, with the name, people will definitely make the connection... There really is no connection there, and I want to be taken seriously for the work that I do."

The lightest brush strokes of country invade the sound of *Volume Two*, most of them courtesy of guest-starring pedal-steel player and L.A. country stalwart **Jaydee Maness**. But the muted melancholia of Sid Hillman's singing and playing transcends any narrow stylistic boundaries.

Sid Hillman will be undertaking a solo tour in April with **Mojave 3** frontman **Neil Halstead**.

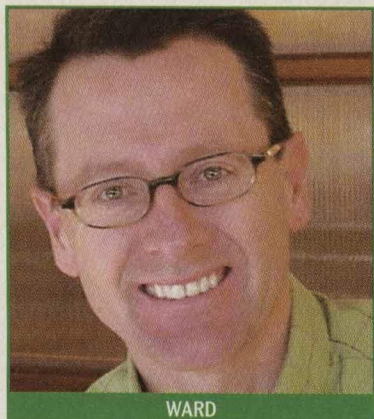
MERCHANTS & MARKETING

New Virgin Megastore Aims To Be Boston's Cup Of Tea

With 40,000 Square Feet Of Product And Several Local Tie-Ins, VEG Anticipates Satiating The Market's Tastes

BY MATTHEW S. ROBINSON

BOSTON—Virgin Entertainment Group (VEG), never one for understatement in debuting a new



WARD

"an afternoon tea" for the first official consumer guests.

The night before, at a gala press preview, such acts as Heather Nova and Si*Se entertained local Boston celebrities, sports stars, and power brokers.

VEG North America CEO Glen Ward says, "We want to give the Boston public an idea of what they can expect from Virgin in the future."

Branson claims what they can expect is "the ultimate music and entertainment destination."

"We are thrilled to open our doors to the Boston community," he says. "Plans for the store have been in the works for two years, and we are confident that we can offer Boston entertainment enthusiasts something they've never had access to in the city."

THE BIGGEST IN BOSTON

With a collection of more than 250,000 CDs, 20,000 DVDs, and 500 entertainment software titles spread out over three floors, Boston consumers have the largest music outlet in the city. What's more, the 22nd Megastore outlet represents one of VEG's largest locations in North America.

Of course, Bostonians aren't strangers to shopping in the Gehry Building, which for the past 18 years was home to fellow music retail giant Tower Records. (Tower, having lost its lease, has since relocated to Kenmore Square, near famed Fenway Park and next door to CBS Radio's WBCN.)

Virgin has substantially revamped the location to put its own stamp on the space. CD shelves were lowered three inches to allow for better sight lines; a Virgin Café, complete with Internet-enabled kiosks permanently set to virginmega.com, was installed; listening stations holding nearly 1,000 albums were added; state-of-the-art Megaplay kiosks—which allow digital access to a database of more than 2.4 million streaming CD-track samples and 10,000 DVD-

Video trailers—have been hooked up; and more than 20 Philips plasma monitors, broadcasting the latest music videos and DVD titles, have been positioned throughout the store. What's more, both music and non-music items are arranged by genre in an effort to make shopping more convenient.

"We see a lot of cross-browsing in the store, and that makes buying easier for the customer," Ward says. "It's all about assisting the customer and making it exciting."

VEG senior VP of product and marketing Dave Adler says, "We've spent a great deal of time researching Boston, and we are confident that we will offer music aficionados in the Boston community what they think is the most personally relevant."

The store is making a big push for local and emerging artists through programs like Virgin Recommends, as well as through deals with such local institutions as the

Boston Symphony Orchestra, which will sell its self-produced *Symphony Hall Centennial* boxed set exclusively at Virgin Megastores across the country.

"We are very committed to the local music scene," Branson says. "There are actually a few Boston bands we are hoping to sign to [the label] V2, so it's great to have a presence here."

Ward maintains that Virgin "has a social responsibility to support new bands." As part of that show of support, the store had local DJs spinning in its Dance and Electronica room alongside club star DJ Juan Atkins.

"It's vindication for a major chain to realize the thriving electronic music scene," local spinner Craig Kapilow says. "It's great that they brought in a legend and that they are also letting local artists show their wares."

Virgin is also sponsoring a new scholarship at the nearby Berklee College of Music. "We're thrilled

that Virgin Entertainment Group has seen fit to start a scholarship here at Berklee," college president Lee Berk says. "The future of musi-



ADLER

cians is the future of music, and Virgin is demonstrating [that]."

Though a great deal of attention is being paid to the Boston market, Ward proposes that the store is but one of 15-20 new Megastores to appear in North America during the next several years. The first North American Virgin Megastore opened in 1992 in Los Angeles. Since then, about 19 others have opened, from New York's Times Square location to one in Las Vegas.

"This is the beginning of phase two of our expansion," Ward says. "Despite talk of recession, we're expanding. We feel very confident about the future of the music industry and record retail in general."

"We're picking off all the good markets," VEG worldwide CEO Simon Wright says. He predicts that around 35 of the more than 175 Virgin stores will be open in North America by 2007.

Meanwhile, sales at the new Virgin location have been brisk thus far, even before the official grand-opening ceremony held Feb. 15.

"It's a great market and one worthy of a Virgin store," Ward says. "We hope to do justice to it."



No, It's Not Another British Invasion. Virgin Entertainment Group chairman Richard Branson, second from left, heralds the opening of the new Virgin Megastore in Boston by parading down Newbury Street in a Mad Hatter's outfit, flanked by employees in lobster costumes.



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NEWSPAPER

THE INTERNATIONAL NEWSWEEKLY OF MUSIC, VIDEO, AND HOME ENTERTAINMENT

MARCH 30, 2002

How The Music Industry Burns Itself

BY CHRISTOPHER WALSH

NEW YORK—The apparently intractable peer-to-peer file-sharing services, facilitating untold numbers of illegitimate downloads, are a prime concern of record labels. The drop in U.S. album sales in 2001—2.8%, according to SoundScan—is accelerating in 2002, with year-to-date-album sales down 9.6% (compared with last year) amid industry attempts to quash rampant Internet-enabled piracy.

During that ongoing, very public battle, digital piracy by way of CD burning is becoming an equally

worrisome player in the industry's current quandary. With the universality of the CD player in homes, cars, and computers, use of the CD—long the dominant physical product for delivery of audio con-

SPECIAL REPORT

tent—has simply exploded. According to the International Recording Media Assn. (IRMA), worldwide sales

of recordable CDs, CD-Rs, reached 3.7 billion in 2001. This year, sales are projected at 4.2 billion. "We see it continuing to grow through 2004," IRMA president Charles Van Horn states. These billions of discs

are manufactured by companies including Maxell, Mitsui, Fujifilm, Sony, EMTEC, Apogee, TDK, HHB, and Quantegy.

Domestic sales of CD recorders—internal and external CD-R/RW drives and standalone components—have grown from 4.8 million in 1999 to more than 10 million in 2001, according to NPDTECHworld, a research firm tracking sales and preferences in consumer electronics products. While stand-alone CD recorders account for almost 13% of 1999's total, that figure was only

Are Major Labels Positioned To Solve Their Problems?

BY MATTHEW BENZ

NEW YORK—A new era is said to have dawned when, on Jan. 10, 2000, America Online announced it was purchasing Warner Music Group (WGM) and the rest of Time Warner in a deal valued at the time at \$350 billion. Music headed the list of growth opportunities that the two com-

panies said would result from their coming together, according to a press release the companies issued: "The combination of Time Warner's prestigious music labels and roster of established stars and new artists with America Online's online marketing and e-commerce

(Continued on page 15)

(Continued on page 22)

Johnny Cash: An American Original

BY WES ORSHOSKI

NEW YORK—It's mid-February, two weeks before Johnny Cash's 70th birthday, and the music legend is explaining "The Man Comes Around," a spiritual he's written for his fourth collaboration with producer Rick Rubin, tentatively

(Continued on page 95)



WLTW, KKBT, KROQ, WQYK Lead Billboard Radio Awards

BY STEVEN GRAYBOW

MIAMI—Egalitarianism was the rule at the 2002 Billboard/Airplay Monitor Radio Awards, which found numerous repeat winners taking home trophies but no single station sweeping the awards, as the music industry honored the most outstanding names in broadcasting.

The awards show, hosted by singer Joey McIntyre and held at Miami's BillboardLive club March 16, honored radio stations, programmers, and personalities in four format categories: top 40, rock, R&B, and country. A complete list of winners can be found on page 80.

At the end of the night, only 15

stations took home more than one trophy honoring their efforts, with only four stations bringing home three awards—the maximum number attained by any single station this year. Those stations were the awards, as the music industry honored the most outstanding names in broadcasting. adult contemporary WLTW New York, R&B KKBT Los Angeles, modern rock KROQ Los Angeles, and country WQYK Tampa, Fla.

WLTW—the winner of five awards in 2000 (no awards ceremony took place in 2001)—won three awards, for major-market AC station of the year, major-market AC PD of the year, (Jim Ryan); and local air personality

(Continued on page 78)

Billboard Monitor
RADIO 2002
awards

RCA's Big Elvis Plans: Page 6 • WGM's New Catalog Division: Page 8 • DVD's Fifth Anniversary: Page 65 • 'Last Waltz' Returns: Page 77

Disc
Replication
SPOTLIGHT BEGINS ON P.67



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ATLANTIC RECORDS



CD Burning

Continued from page 1

2.3% by 2001, according to NPD research.

The long list of manufacturers of computer-peripheral CD burners and standalone CD recorders includes the expected companies: Sony, Philips, Iomega, Yamaha, Hewlett-Packard, Pioneer, RCA, and TEAC, to name a few. A walk through any consumer electronics store reveals a similar wealth of choice of features and price points, from a simple two-tray recorder recording at 2x speed to a model featuring a 20-gigabyte internal hard drive that enables 10x recording speed from CD to hard drive, thus blurring the distinction between consumer and professional product.

At the electronics retailers, standalone CD recorders are often accompanied by a display proclaiming the ease and speed with which the product copies CDs. On the peripherals side, the new PCR 3210 internal CD-RW drive from Philips Electronics—co-developer, with Sony, of the CD—can read discs at 40x speed, copy recordable discs at up to 32x, and burn CD-RWs at up to 10x.

This proliferation of the format, as well as the collision of the personal computer and home entertainment components, reveals an odd irony. Within the industry's components—content providers, playback equipment manufacturers, and retailers—the industry impairs itself. In concert with, and independent of, illegitimate downloading, CD recording equipment—many models of which are manufactured by the same corporations in the business of selling prerecorded music—is further enabling proliferation of pirated content. The means by which the industry profits—its very means of sustenance—is being undermined, in part, by its own hand.

The incorporation of the computer into professional recording has given rise to dramatic changes in the process, bringing astounding flexibility, speed, and convenience at an ever-declining cost. At the front end of the audio production chain, digital recording has largely cast a mature technology (analog) aside, ushering in a nonlinear world where random access, virtually unlimited track counts, and manipulation with software and mouse are the norm.

However, reduced time and cost of production extend to the masses today, and successive generations of better, faster, and cheaper recording equipment—increasingly found in home or project studio environments—have wiped out entire segments of the commercial recording industry. Standalone 24-track hard disc recorders have cracked the \$2,000 mark, a point unheard of just a few years ago. For the high-end commercial recording industry, it is no small threat.

At the other end of the chain, the digitization of music likewise enables creative freedoms for consumers. Custom compilations of content, chosen and sequenced by the individual, are easily burned to CD. Compilations, or copies of entire albums, are frequently bought and sold on college campuses. Around the world, seizures of pirated CDs destined for street sale are at an all-time high.

IRONIC SITUATION

"It is absolutely one of the ironies of this entire industry," an executive at a major electronics and prerecorded music chain says. "I don't know what else to say beyond that. From our standpoint, we are most definitely an electronics company; that is a far greater percentage of our business. So I understand the corporate reasoning behind that, and I suppose that's the same situation for the electronics manufacturers as well."

The CD's proliferation and acceptance (driven, in part, by inexpensive media) extends to professional recording as well as consumer playback. CD recorders are as ubiquitous as DAT in recording studios, and most pro and consumer electronics manufacturers offer a selection at various levels of price and performance.

In the case of Sony's professional audio group,

CD recorders were a late arrival. "For Sony," explains Paul Foschino, national manager of reseller marketing for business and professional products, "they've been around for about a year-and-a-half. For the consumer, they were introduced about six months after that. But Sony came into the CD-R market late, in a standalone piece. We held off, at least on the factory level, because of any concerns and sensitivity they might have had for what was going on in the music industry. That hurt us quite a bit in being able to come into the market and replace a product that we were doing very well with: DAT recorders. That was the main staple of a 2-channel digital recording device in our industry for many years, and Sony did very well with the PCM-R300 and R500."

"Then, when CD-R came along, people started to gravitate to that format because of the lower-cost media involved and the compatibility with playback in a wider variety of places. There were a lot of [competitors] cleaning up with CD-R recorders, and we were simply losing sales on our DAT decks with no replacement product. Eventually, we got into it after enough concerns were addressed from a legal standpoint, with clarification on pro channels of distribution, with clear definitions as to who the end-user and customer would be and how they would be using it. How that evolved into a consumer model, six months later, I don't know. Probably the same pressures being put on the factory, driven by the marketing company, because of lost sales opportunities being given to all our competitors."



Tools of the Trade. The CDR-W1500 CD recorder from Denon, left, and Sony's CRX-10U-A2 CD-R/RW drive.

Philips brought CD recording hardware to the consumer market sooner, introducing PC-based recorders in 1995 and standalone models in 1997. "Sony has been selling CD-R recorders for less than a year," Sony Electronics director of public relations Dave Migdal says. "Philips is in a different situation in that they don't have a music company and movie company looking over their shoulder, so to speak. We report to a different standard."

Sony Electronics announced its first consumer CD recorder, the RCD-W1, in January 2001. The company, Migdal adds, will soon offer three models. "The whole trend in CD-R now is faster recording times, super bit mapping [a process developed by Sony to achieve 20-bit performance on the 16-bit redbook CD standard], the ability to add CD text, high-speed finalizing. It's changing from simply slapping a couple of discs in a two-tray box and hitting 'record.'"

In other words, CD creation is easier for the consumer than ever before, and it is becoming more so as technology allows. Is this a pattern Sony is comfortable with? Migdal says, "We take Sony Music and Sony Pictures into account in everything we do. They are sister companies, and we all try and get along. I think all of us are on the same page in terms of protecting the rights of artists and content owners. Copyright protection is at the top of everyone's mind."

But what of the former buyer of prerecorded music on CD who downloaded the collected works of Miles Davis, Celine Dion, or Stevie Ray Vaughan to a Sony VAIO PC and burned them to Sony CD-Rs? Or made hundreds of copies of those artists' CDs with a Sony CRX10U-A2 USB CD-RW Drive or RCD-W1 CD recorder?

Sony Electronics senior VP of corporate communications Rick Clancy says, "Sony has always conducted its business on the basis of satisfying customer needs, both for its hardware and software products, while at the same time respecting copyright. We're

constantly operating with an awareness that we have to find the best balance of the respective interests of both consumers and copyright holders."

Technology has contributed to the industry's current imbalance. But Clancy notes that today's downloading and burning dilemmas could not have been anticipated. Moreover, legitimate uses of CD recorders, CD-R and RW drives, and recordable CDs are plentiful. "With the spread of the Internet and the advancement of software, it's become very easy to copy, for example, music CDs through file-sharing methods. And certainly, this degree of capability was not predicted when CDs were introduced to the market almost 20 years ago. This has made the whole issue of the protection of copyright holders' interests very important."

Sony isn't alone. Coexisting under parent company Matsushita are the replication facility JVC Disc America, with major-label clients, and Victor Company of Japan (JVC), which offers CD recorders. (Japanese label Victor Entertainment is a subsidiary of JVC.)

"Basically, there's a free-use doctrine for people who purchase movies and music," explains JVC Disc America senior VP of sales and marketing Sean Smith, referring to the Audio Home Recording Act of 1992. "We'd like to believe that the basic consumer would make copies for themselves and not for their friends and/or distribution. So the consumer division goes in marketing that product as: 'There's a niche, there's a need, it's an acceptable format.' We'd like to believe that the

people who purchase our products abide by the rules and regulations of the free-use doctrine."

And Denon—like Sony, long an innovator of professional and consumer recording equipment—is part of parent company Nippon Columbia, Japan's oldest record label, which recently established a U.S. operation under the revived Savoy label. "Denon had a pro CD recorder a dozen years ago," says national sales manager of professional products Wayne Dolnick, "but because Denon was a software company—it has its own record label and pressing plants—it refused to follow up on it. It was a philosophical debate over the years. It's only in the last year and-a-half that we've had these machines. I've only had the pro [machine] less than a year, because Denon was philosophically opposed to doing it."

Denon's professional CD recorder is sold, like Sony's, through professional audio distribution channels. "I believe it's illegal to sell in a consumer store," Dolnick says, "because it defeats SCMS." (He is referring to the Serial Copy Management System, which prevents production of multiple generations of digital copies from a copyright-protected original; a single, personal-use copy is permitted.)

Denon also manufactures two CD recorder models in its Home Audio line. "I don't know what the internal strategy was at [Nippon Columbia's] end," Dolnick says, "but we've pressured them for quite some time. You can sit on the fence and wait for the dominos to fall on the left or right side, or you can be proactive."

Within the industry, many are skeptical about CD burning's culpability with regard to the current sales slump, pointing to a host of legitimate alternatives. "I've spoken to all of my reps about this subject," Dolnick states. "They all have 13- to 16-year-old kids, and they all say the same thing: 'Yes, they do download files; yes, they do make a lot of CDs.' But what the industry is not recognizing, and what every single rep around the country has told me is, after the kids do this, they buy the original CD. When they

say record sales are down, I think it's because a lot of the music is bad—that's basically the bottom line. I know that at the pressing plants, business is way off, but I think a lot of it has to do with content."

"I've read a lot," IRMA's Van Horn says, "as to people saying, 'Is it the change at the executive level, not trying to develop the artists the way they used to? Is it because they've diverted their attention to mergers, acquisitions, etc.? Is it because you just don't have artists today that have a wide genre that's appealing to the consumers? Is it downloading free music over the Internet? Or is it their lack of providing the catalogs at a reasonable price on the Internet?' I think it probably is all of the above."

At the recently concluded National Assn. of Recording Merchandisers (NARM) convention, copy-protected CDs—some of which have recently hit the European, Japanese, and U.S. markets—were hotly debated. An immediate impediment to the success of copy-protected CDs, however, was their incompatibility with many CD-ROM drives and DVD players.

The album *More Music From the Fast and the Furious* was a sort of test, explains Jim Urie, Universal Music & Video Distribution president and member of the NARM board of directors. "We wanted to put something out in the marketplace," he states, "that would not necessarily taint any individual artist, and we would get a fix. It did far better than we anticipated it doing, which was good. When we shipped it, some people internally were saying that it might not play on as many as 25% of the players. In fact, now that we've done it, the real returns—the 'defective' returns—appear to be something just under 1%. We know that from the retailers who are telling us what they're taking back and also because we have a help line in the insert that they can call for help."

"On the other hand, it could be copied," Urie continues. "Legally, we have to allow it to make one copy: The software allows you to make one copy, and then it engages so you can't make more. However, we knew that it would not be foolproof, and that in around one-third or so of computers, you would be able to make unlimited copies. That's what we thought going in, and that seems to be about what it is."

Still, Urie adds, copy-protected CDs are how the industry will ultimately resolve its dilemma. "I believe in people's right to copy CDs for their own use," he says. "The problem is that it has gone far beyond that, and for people to act like it hasn't or to get indignant about consumers' rights is as wrong as it would be to say that no CD burning should be allowed. It's not just about enfranchising or disenfranchising consumers; it's about how we can avoid bringing the music business to an end. To say, 'We'll educate people and they will stop'—that's not going to happen. I think that we're going to have to come up with something that is favorable to the consumer but also fair to the artists and all of the various copy holders."

While Sony Music offered no comment, Sony Electronics' Clancy states that, "Sony feels it's necessary to introduce a new technological approach that will help create a solution that respects the interests of both the consumers and copyright owners. We're currently evaluating technologies and considering the issue, but we have not finalized a determination on the method."

But if the overt sentiment circulating online is any indication, those burning CDs of freely downloaded music are as devoted to outsmarting copy-protection as the industry is to safeguarding its content. Pushing copy-protection, Denon's Dolnick says, will only backfire. "All it will do, in essence, is force the issue of MP3. Some of the broadcast people—a lot of whom are going to hard disc—are pushing MP3 in the ability to store larger amounts of data in a smaller space. They're looking for better-quality MP3 playback. Once the quality improves, the harder record companies make it for people to mix their own music, they're only going to shoot themselves in the foot. That's just an observation from somebody in the industry. I could be wrong; I think I'm right."

SINGLES

Edited by Chuck Taylor

POP

COURSE OF NATURE *Caught in the Sun* (4:11)
PRODUCERS: Mark Martone, Course of Nature
WRITER: M. Wilkerson
PUBLISHER: not listed
Lava/Atlantic 300730 (CD promo)
 "Caught in the Sun" serves as a pleasant introduction to Course of Nature, a guitar trio from Alabama whose first album, *Superkala*, was released Feb. 26. This midtempo cut highlights the act's ability to rock without sacrificing melody. Vocalist/songwriter Mark Wilkerson capably delivers the emotionally charged lyric: "I could've passed you on the street without saying a word/I miss the voice that goes unheard." The promo features the song in both album and rock flavors, turning down the strings and revving the guitar on the latter. Now, having grown from Southeastern radio to make a national impression at mainstream and modern rock, the album mix of "Caught in the Sun" has a great sound for hot and modern AC with solid potential for top 40 success. The act headlines the WB's College Night tour in April, which should help cement the appeal with younger audiences.—**EA**

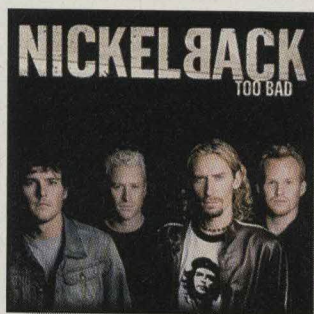
R&B

★ **ANN NESBY FEATURING AL GREEN** *Put It on Paper* (3:57)
PRODUCER: Herb Middleton
WRITERS: M. Orr, J. Orr, A. Nesby, T. Lee, H. Middleton
PUBLISHERS: Mr. Perry's Music/Labor Force Music Publishing, ASCAP; Big Herb's Music/Warner Chappell/Bachus Music, BMI
Universal 20739 (CD promo)
 The secular meets the spiritual as Ann Nesby, former lead vocalist for gospel choir Sounds of Blackness, teams with the Rev. Al Green for the first single from her forthcoming Universal debut. With "Put It on Paper," the duo portray a couple that want to make their love official by... "putting it on paper," i.e., getting married. Nesby—who made her solo debut with *Ann Nesby 1996* for Perspective—and the legendary Green pull no vocal punches on the Herb Middleton-produced track. The single showcases maturity, class, and real emotion, which is missing from so much contemporary R&B. Hopefully, R&B formats will recognize two-time Grammy Award winner Nesby for some airplay. For a special treat, check out the album version, on which Green testifies on the sanctity of marriage during the intro.—**RH**

COUNTRY

► **MONTGOMERY GENTRY** *Didn't I* (3:42)
PRODUCER: Blake Chancey
WRITER: A. Smith
PUBLISHER: Almo Music, ASCAP
Columbia 56797 (CD promo)
 This is the first single from the multi-artist album, *Music From and*

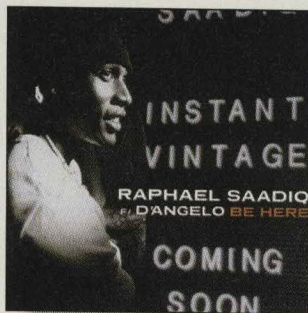
SPOTLIGHTS



NICKELBACK *Too Bad* (3:29)
PRODUCERS: Rick Parashar, Nickelback
WRITERS: C. Kroeger, Nickelback
PUBLISHERS: Warner-Tamerlane, BMI; Arm Your Dillo/Zero-G/M. Kroeger Publishing, SOCAN
Roadrunner 10021 (CD promo)
 Following up the biggest crossover hit of the year is a tall order, particularly when the statistics that back "How You Remind Me" are so daunting: No. 1 on The Billboard Hot 100; more than a dozen weeks at the top of the top 40, modern AC, modern rock, mainstream rock, and active rock airplay charts; and the impetus for selling 4 million copies of the band's accompanying *Silver Side Up*. Fortunately, radio is destined to crawl between the sheets again with Nickelback, thanks to its rock-solid follow-up "Too Bad," which maintains the band's guitar-grinding credibility while driving home a hook that's plenty accessible for top 40. Lead singer/lyricist Chad Kroeger's vocal imprint is recognizable enough for listeners to instantly connect the dots between "How You Remind Me" and "Bad," which will only serve to build the band's fan base by the thousands. The stars are aligned for this one: Radio is loving rock, the band is one of the few No. 1 acts out there that hasn't been overexposed to death by the Grammy Awards, and the song kicks butt with boots on. This is one lucky Nickelback.—**CT**

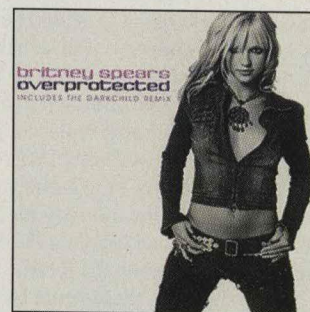
Inspired By We Were Soldiers, the new Mel Gibson film. The collection features songs by a wide variety of acts, including Train, Steven Curtis Chapman, Jars of Clay, Mary Chapin Carpenter, written specifically in

RAPHAEL SAADIQ FEATURING D'ANGELO *Be Here* (3:36)
PRODUCER: Raphael Saadiq
WRITERS: R. Saadiq, G. Standridge, B. Ozuna, M. Archer
PUBLISHER: Ugmoe
Pookie/Universal 20715 (CD promo)
 Having earned his stripes with both Tony! Toni! Toné! and Lucy Pearl, Raphael Saadiq is following in the footsteps of former Lucy Pearl members Dawn Robinson and Joi by stepping out on his own. Ironically, his first single, "Be Here," isn't a solo effort but rather a duet. However, that's forgivable when the pairing is



with the one and only D'Angelo. Saadiq and D'Angelo make a dynamic duo on the grooving, bass-laced track, which the former produced. Neither outshines the other as the two vocalists trade verses like the veterans they are. It's only a matter of time before all R&B formats are all over this sure shot, which will bode well for Saadiq as he readies the release of his solo debut, *Instant Vintage*. It has been rumored that D'Angelo was courted to be a member of Lucy Pearl but was unable to take part in the project because of the recording of his last album, *Voodoo*. Although that never came to fruition, "Be Here" gives listeners a taste of what that project might have sounded like. Consider this a lock-in across the board and a deserved shot at the big-time.—**RH**

reaction to the film's theme, which is based on a true story involving soldiers in the Vietnam War. On this compelling cut, penned by Nashville tunesmith Anthony Smith, Eddie Montgomery and Troy Gentry deliver



BRITNEY SPEARS *Overprotected* (3:18)
PRODUCERS: Max Martin, Rami
WRITERS: M. Martin, Rami
PUBLISHER: Zomba Enterprises, ASCAP
REMIXER: Rodney Jerkins
Jive 40022 (CD promo)
 Britney Spears' "I'm Not a Girl, Not Yet a Woman" was a poor performer at pop radio—if that's not prime evidence of the changing tide at top 40, then what is? "Overprotected," the third single from the current *Britney*, is the best song on the album and has already proved its mettle as a smash across much of Europe. But just to play it safe in the R&B-drenched U.S., Jive turned the song over to producer Rodney Jerkins, who refashioned it with a more cutting-edge back-track—which thankfully only gives the song a different flavor, as opposed to the pedestrian trend of taking pop songs, tossing in a hip rapper, and starting from scratch, à la recent hits from Jennifer Lopez. Here, the original mix from Max Martin and Rami remains the superior choice, but chances are that without the added gimmickry, Spears would again find herself losing friends at radio. In any case, the seemingly autobiographical song is like a karate kick of uptempo energy, as Ms. Spears puts in her bid for independence. The Swedish touch of Martin and Rami is apparent—as in many of Brit's staples—but with an appreciable splash of grit this time around. This one's got the goods.—**CT**

the kind of gritty, gutsy performance that has made them one of the country community's top new acts. The lyric captures the heartbreaking plight of Vietnam vets facing a lack of support from the American public

they fought to defend. Montgomery's vocal performance resonates with hurt, confusion, and betrayal throughout the poignant lyric but most especially on the chorus: "Didn't I burn? Didn't I bleed enough for you? I faced fear and felt pain so you won't have to." It's a powerful song, and the duo are the perfect act to have recorded it. Though it's taken from an album tied to a film, and the subject matter isn't the usual country radio fare, this will work for the country radio audience because of its patriotic bent.—**DEP**

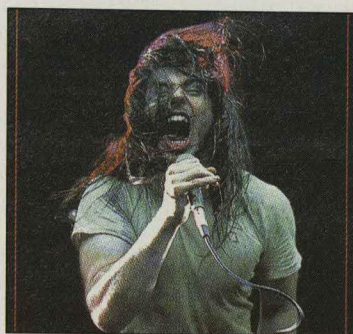
★ **LESLIE SATCHER** *The Slow Way Home* (3:28)
PRODUCER: Luke Wooten
WRITER: L. Satcher
PUBLISHERS: Ocean Bound Music/Ensign Music, BMI
Warner Bros. 100856 (CD promo)
 Singer/songwriter Leslie Satcher has a voice that exudes purity and warmth, drawing the listener into the beauty and poignancy of her lyrics. She has penned tunes for a variety of artists, among them Willie Nelson, Vince Gill, Pam Tillis, Chely Wright, and Lee Ann Womack. Her debut, *Love Letters*, is an impressive collection of well-crafted songs, and this beautiful single is among the many gems. The lyric finds Satcher encouraging her loved one to take the slow way home—to forget the pressures of daily life that rob lovers of the "wild abandon" of their youth. It's a soft, sultry plea to remember the priorities in a relationship and to make time for what is truly important. Country programmers would do well to give this a shot and help listeners discover one of the best albums to come out of Nashville in recent years. Satcher has the potential to be one of the first big stories of 2002 in country music.—**DEP**

ROCK

SNEAKER PIMPS *Sick* (3:43)
PRODUCER: not listed
WRITER: not listed
PUBLISHER: not listed
Tommy Boy 2309 (CD promo)
 In 1997, dreamy alt-rock outfit Sneaker Pimps scored at modern rock with the hit "6 Underground" and clubside with "Spin Spin Sugar." This time out, the band has a new voice and a redefined image. After the success of *Becoming X*, the act left the trip-hop pigeonhole, losing the trademark ethereal vocals of Kelli Dayton in the process. "Sick" leads *Bloodsport*, the follow-up to *X* (1999's *Splinter* was never released in the U.S.), and on this single, the band turns toward the organic as guitarist Chris Corner reassumes the mike and picks up an acoustic. The group doesn't entirely ignore its electronic roots, however, as a subtler blend of synths and drum programming still appears in the cut. Much of the group's U.S. familiarity depended on Dayton's voice, so from the listener's perspective, the Pimps are starting from scratch. Nevertheless, this material is well-suited for the British accent of Corner's voice, and the midtempo vibe and the catchy chorus make this a great reintroduction.—**EA**

NEW & NOTEWORTHY

ANDREW W.K. *Party Hard* (3:04)
PRODUCERS: Andrew W.K., Mario Dane, Scott Humphrey
WRITER: Andrew W.K.
PUBLISHER: Andrew W.K. Music, BMI
Island 15495 (CD promo)
 With his first single, "Party Hard," Andrew W.K. creates a throwback to the fun of '80s hair bands. The classically trained pianist-turned-hard-rocking party hero could be the harbinger of some good, fun times to come into the rock'n'roll world. The requisite pounding guitars are topped with the unlikely texture of a light piano tapping out a rhythm, a



subtle testament to the pop influences at work here. W.K.'s shouting

is indeed sparse, but all the more rewarding at each entry, particularly after the 40-second instrumental intro. The rocker's debut album, *I Get Wet*, comes to the U.S. March 26; in Europe, where "Party Hard" has already climbed the charts, some are balking at the cover art, which features a slightly gross close-up of W.K. with a bloody nose. Packaging aside, the artist has a frenetic delivery onstage, not unlike a latter-day Meat Loaf. And like Loaf's hits, with a little luck, "Party Hard" could move from rock to be a fun crossover this spring.—**EA**

CONTRIBUTORS: Eric Aiese, Rashaun Hall, Deborah Evans Price, Chuck Taylor. SPOTLIGHT: Releases deemed by the review editors to deserve special attention on the basis of musical merit and/or *Billboard* chart potential. NEW & NOTEWORTHY: Exceptional releases by new or upcoming artists. PICKS (►): New releases predicted to hit the top half of the chart in the corresponding format. CRITICS' CHOICES (★): New releases, regardless of chart potential, highly recommended because of their musical merit. Send review copies to Chuck Taylor (*Billboard*, 770 Broadway, 6th floor, New York, N.Y. 10003) or to the writers in the appropriate bureaus.

EMI Slashes Workforce, Artist Roster Worldwide

BY ADAM HOWORTH

LONDON—EMI Recorded Music is axing 1,800 jobs out of a global workforce of more than 8,000 and dropping upwards of 400 of its 1,600 acts.

As chairman/CEO Alain Levy restructures the company's worldwide operations, EMI is drastically reshaping its business to generate £98.5 million (\$140 million) in annualized fixed cost savings by March 2004. The cuts

were announced March 20 in London. Nearly half of these savings—46.3%—will come in the U.S., where vice chairman of EMI Recorded Music David Munns is reducing the head count by 27.4%. Europe and the U.K. account for 33.5% of the savings and 34.5% of the layoffs. Levy says the discrepancy between savings and head count in the U.S. is because North American salaries are higher.

Most staff layoffs will come in sales, finance, and IT departments. "Half the jobs have already gone," EMI Group PLC chairman Eric Nicoli says.

Of the artist cuts, Levy says, "We

had a really bloated roster—we don't feel we've lost any sales potential."

The restructuring is expected to generate operating margins in the range of 11% to 13% within three years. The financial cost of achieving that is said to be £110 million (\$156 million), on top of £92 million (\$131 million) of loss-making investments, asset write-offs, and the exceptional charge of £38 million (\$54 million) that EMI

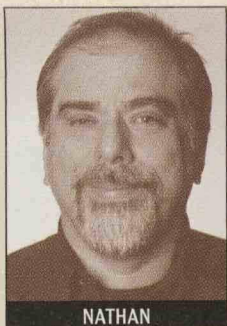
paid to terminate its contract with Mariah Carey. EMI is also halving its dividend payout to a final dividend of £0.0375 (\$0.0533) per share to free up capital, a move Nicoli describes as "a responsible step. We hope our shareholders will support us."

Levy says all the staff being laid off will know their fate by March 31. "It's not pleasant, but we're trying to do our best in what is a painful situation."

Munns adds, "The feeling inside the company is that something needed to be done. People feel it's an exciting time for EMI Recorded Music and even the people leaving have said, 'We do get it.'"



Executive Turntable



NATHAN



FRANCK



COHEN

RECORD COMPANIES: Mike Carden is named president of Eagle Records in New York. He was GM of Eagle Records and Spitfire Records.

Marc Nathan is named VP of A&R for MCA Records in Santa Monica, Calif. He was VP of A&R for farmclub.com.

Derek Dessler is promoted to senior director of business and legal affairs for Universal/Motown Records in New York. He was director of business and legal affairs.

Koch Entertainment promotes **John Franck** to senior director of marketing and **Lulu Cohen** to senior director of media relations in New York. They were, respectively, director of media relations and director of marketing.

The Island Def Jam Music Group promotes **Laura Tamburino** to senior director of creative services and **Tara Podolsky** to manager of A&R administration in New York. They

were, respectively, director of creative services and A&R administration coordinator.

RELATED FIELDS: John T. Frankheimer is named chairman of the Recording Academy's Entertainment Law Initiative in Los Angeles. He will continue in his current position as co-chairman of Loeb & Loeb LLP.

Diana Johnson is promoted to senior VP of museum services at the Country Music Hall of Fame and Museum in Nashville. She was VP of the museum services division.

Ron Erskine is named VP of marketing properties for the National Basketball Assn. in New York. He was senior VP of lifestyle properties for Octagon Marketing.

Michelle Roche is named senior director of publicity for Team Clermont in Athens, Ga. She was VP of publicity for Velocette Records.

Warner Focuses Catalog Strategy

BY CHRIS MORRIS

LOS ANGELES—Seeking a focused approach to its catalog, Warner Music Group (WGM) has formed a new division, Warner Strategic Marketing (WSM).

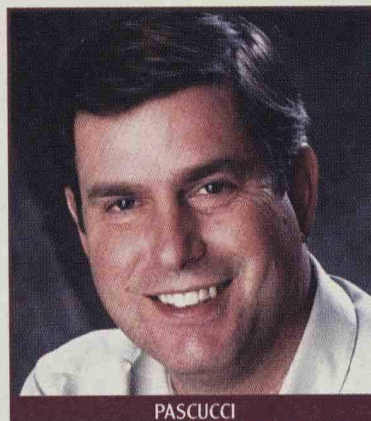
Headed by president Scott Pascucci—who reports to WEA chairman Dave Mount—WSM incorporates Rhino Entertainment, the industry's best-known catalog-development unit; Warner Special Products (WSP), Warner's enclave for licensing and third-party catalog product development; WGM's 2-year-old commercial marketing division, responsible for TV-marketed releases; and WGM Soundtracks, responsible for film-studio liaison and soundtrack-album development.

Warner Bros. Records senior VP of film and video marketing John Beug is joining WSM to oversee the creation of long-form music video product.

WGM chairman/CEO Roger Ames says, "We've not only placed what was previously a group of separate entities within WGM under one roof but assembled an executive team comprising the top people in their respective fields. Going forward, these executives will be able to function as a powerful cross-platform marketing unit."

Mount says, "It seemed logical that [these elements] should all be in one group, because they're all dealing with various aspects of the catalog, whether it's licensing out—which is primarily what WSP does—or licensing in, which is primarily what Rhino does."

Pascucci—most recently senior VP of business affairs (West Coast) at Sony Music—says of the impetus behind WSM, "[These groups] can do a more effective job by working together. You have a centralized group that has a set of choices in how they approach different projects."



PASCUCCI

The senior personnel at WSM's component departments report to Pascucci. Rhino president and co-founder Richard Foos resigned March 7 (*Billboard Bulletin*, March 8) and will not be replaced; Rhino's senior staff also reports to Pascucci. He says, "We're going to have an executive VP-level person in charge of marketing and sales

BILLBOARD EXCLUSIVE

for the division as a whole coming in."

WSM's operations will be centralized in Burbank, Calif.—home of the Warner labels and WEA Distribution—probably by the end of the year.

Pascucci says, "Rhino will expand its activities in using Warner, Elektra, and Atlantic masters and working with more and more of the major catalog artists on those labels. The licensing between labels within the industry has gotten a bit more difficult than it was when Rhino first started in the business. That forces everyone to turn a little bit more toward their own catalog."

VP of A&R David McLees estimates that Rhino will work on some 250

titles this year vs. 200 last year. Some will bear the Rhino logo, while others—like the six-CD Reprise set *Sinatra in Hollywood*, due in May—will be issued on the original releasing label.

McLees says, "Now that we're basically the keepers of the entire back catalog, we're doing entire revamps on certain artists." A five-CD Yes boxed set to be released this summer will be followed by upgrades of 10 of the group's albums, a greatest-hits set, and a live boxed set. Fleetwood Mac, Van Halen, Jackson Browne, Joni Mitchell, and Linda Ronstadt are among the acts being considered for full-catalog work.

Rhino senior VP of marketing Garson Foos adds, "There's still going to be the Rhino-esque, fun, quirky projects coming out." For example, in July, Rhino will release the seven-CD *Like, Omigod! The '80s Pop Culture Box (Totally)*.

Rhino will enjoy a close relationship with WSM's commercial marketing arm. Originally focused on compilations like "Totally Hits," the department has moved on to successful TV-marketed collections from Rod Stewart, Prince, and Frank Sinatra. It plans 10-12 packages this year.

Commercial marketing VP Michael Cohen says, "We're working on a number of big-ticket single-artist projects that we hope to have ready for the third and fourth quarters."

According to president Tony Pipitone, few changes are envisioned at WSP: "The functions that we've handled for the record companies over the last 30 years will be the functions we handle as part of Warner Strategic Marketing. We do basically two things: We do licensing, and we build product for third-party clients. Those two things will still be here. We're just going to do more of everything."

Compromise Sought In Statute Fight California Senate Chair Looks For 'Middle Ground'

BY MELINDA NEWMAN

SACRAMENTO, Calif.—With an order from California Senate Judiciary chair Martha Escutia, D-Montebello, to come back with a compromise, the opposing sides on State Bill 1246 left a hearing here March 19 saying they hoped to present a proposal by the time the judiciary committee reconvenes in early April.

The bill, introduced by California state Sen. Kevin Murray, D-Culver City, aims to repeal a 1987 exemption to California's seven-year statute on personal services contracts that allows labels to sue artists for damages on undelivered albums if they choose to leave their label after seven years.

Recording Artists Coalition co-founder Don Henley, who has led the artists' drive to support the repeal, says he's not surprised that the committee chair pushed for a compromise. "This is an election year. Nobody's going to really take a hardline stand one way or the other in the legislature."

He adds that his side is waiting for a proposal from the label side that could provide a framework for compromise: "We've been asking them for one for over six weeks."

Recording Industry Assn. of America president/CEO Hilary Rosen, who testified alongside a number of label reps—includ-

ing Warner Bros. creative director Jeff Ayeroff, Interscope head of sales/marketing Steve Berman, and MCA Records senior VP of business and legal affairs Jeffrey Harleston—against the repeal, would not comment on whether a proposal exists, but does say, "I think we have a germ of some ideas that will be productive; I think this is going to get resolved."

Much of the hearing, which at times resembled a crash course in Music Business 101 for the senators, centered on how labels decide whether to pick up an option on an act.

The artists' side has argued that acts cannot fulfill the standard record contract of one firm album with options for up to six more records within seven years. The label side says that the record companies need the right to that many albums to justify their investment.

Escutia pointedly asked, "Are any of you here representing the artists willing to say that you [will] accept less money for a fewer-album commitment?"

Attorney Jay Cooper, who represented the artists' point of view, assented, saying, "It would be my advice to my clients that if they could get a shorter contract, it's worth taking less money. Absolutely."

Declaring that such a statement provided a springboard for a compromise, Escutia ended the hearing.



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BMG, RCA Initiative To Commemorate Elvis Presley

BY BRIAN GARRITY

NEW YORK—As early as next week, BMG Entertainment and RCA Records are expected to formally unveil plans for a massive global marketing and promotional campaign to commem-

orate the 25th anniversary year of Elvis Presley's death. The initiative will center on a single-disc retrospective of the artist's top hits—akin to Capitol's 2000 Beatles retrospective, *1*—to be released later this year.

The album, *ELVIS 30 Number One Hits*, is set for a late October release on RCA. It will be the first time that Presley's 30 No. 1 singles have been assembled on one CD. In addition, BMG Heritage will release a 4-CD boxed set, available in July, which will feature more than 100 previously unreleased versions of Presley classics.

In support of the effort, BMG—a unit of Bertelsmann—is teaming with Bertelsmann Content Network (BCN), the media giant's internal

synergies unit, to create cross-promotional and cross-marketing opportunities between the label group and its sister companies: book publisher Random House, magazine publisher Gruner + Jahr, European

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TV and Radio Network RTL Group, and the Direct Group, the direct-to-customer operation that includes the BMG Direct music club business and online retailer CDnow.

Among the cross-promotions in the works, Random House will release three Elvis titles during the second quarter of 2002: *The Elvis Treasures*

(Villard), described as a "photographic coffee-table biography"; *Girl's Guide to Elvis* (Broadway Books), an overview of Presley's career and romantic relationships; and *Lilo & Stitch* (Random House Children's Books), a children's book companion to the animated Disney film of the same name. The film will feature six Presley songs licensed from RCA that will be included on the collection. Meanwhile, Gruner + Jahr will issue a special "book-a-zine" featuring rare interviews and never-before-seen photos of Presley that will hit newsstands in July.

BMG and RCA are also working on special promotions with the likes of AOL, Lycos, NASCAR, and Elvis Presley Enterprises, though further details have not been disclosed. In the works, too, are strategic alliances with leading companies operating in the automotive, sports, credit card, apparel,

retail, and food and beverage sectors that will be announced later this year.

BMG senior VP of strategic marketing Joe DiMuro and its senior VP of strategic projects José Maria Camara will oversee the album's corporate marketing.

BMG will launch an official Internet site, elvisnumberones.com, this spring, using it as a platform for news surrounding the 25th anniversary campaign, as well as for promotional musical content.

BMG says Presley's worldwide sales during the past decade are close to 50 million units. The company is said to be using the promotion and album partly to help drive future sales by branding the artist—who claims 38 top 10 singles, 80 gold and platinum albums, and more than 1 billion albums sold worldwide—with a new generation of younger consumers.

In The News

- The Federal Communications Commission (FCC) will hold its first media market concentration hearing in 42 years to scrutinize Clear Channel's purchase of Air Virginia's WUMX FM, Charlottesville, Va., saying it "raised competitive concerns by reducing the number of effective [radio] competitors... from three to two." Federal lawmakers have chastised the FCC for its hands-off approach to media consolidation. Media Access Project director Andy Schwartzman characterized the hearing as window dressing: "They decided to let four [problem] stations through, and then hold a hearing on one, saying, 'Geez, one company would have 92% of advertising!' It's ridiculously embarrassing."

- Christian music veteran Eddie DeGarmo has been named president of EMI Christian Music Publishing (EMI CMP). DeGarmo began his career as half of the Christian rock duo DeGarmo & Key. He also co-founded ForeFront Records, which was purchased by EMI Christian Music Group in 1996. DeGarmo will report directly to Hearn and join the company April 1. DeGarmo maintains ownership of Meaux Music and has signed a worldwide administration agreement with EMI CMP for that company. EMI CMP senior VP Steve Rice, who has been heading EMI CMP, exits next month.

- St. Louis Rams quarterback Kurt Warner and Elektra recording artist Yolanda Adams will co-host the Gospel Music Assn. Dove Awards show April 25 at the Grand Ole Opry House in Nashville. The Doves will air live on the PAX Network with a live pre-telecast show slated to air on Family Net prior to the PAX broadcast.

- Alicia Keys and the Isley Brothers featuring Ronald Isley topped the winners list at the 16th annual Soul Train Music Awards, tying with two wins each. Keys earned kudos for best R&B/soul or rap new artist and best R&B/soul album, female; the Isleys won best R&B/soul album and R&B/soul single in the group, band, or duo category. The syndicated awards show airs between March 30 and April 7.

Sykes, McGrath Upped In Viacom Music Division Shifts

BY CARLA HAY

NEW YORK—Viacom's restructuring of its New York-based management team reflects the company's goal to revitalize its key music divisions, company executives say.

Under the new structure, John Sykes has been named chairman/CEO of Infinity Radio. He was previously president of VH1 and CMT (*Billboard Bulletin*, March 18). Meanwhile, Judy McGrath has been promoted to the new position of president of MTV Networks Music Group. In her new role, she will oversee MTV, MTV2, VH1, CMT, and all of their digital music services. McGrath was previously president of the MTV Group/chairman of Interactive Music.

Sykes now reports to Viacom president/COO Mel Karmazin, while McGrath will continue to report to MTV Networks chairman/CEO Tom Freston. Infinity Radio president Dan Mason now reports to Sykes.

Karmazin tells *Billboard* that the appointment of Sykes to the top Infinity Radio spot is "part of our goal to take radio to a whole new level. We look forward to John generating new revenue streams for advertisers in ways that we may not have looked at before."

Sykes, who became president of VH1 in 1994, is credited with turning the network around from an oldies/adult-contemporary network

into a hipper, rock-oriented channel with such hit franchises as *Behind the Music* and *Storytellers*. Although the network's ratings have declined in the past year, Sykes notes that VH1 has become a much more powerful brand name.

Under Sykes' leadership at CMT since 2000, ratings have increased, and the network has made an effort to improve its brand name with such original programs as *CMT Most Wanted Live* and *CMT Crossroads*.

Infinity operates 184 radio stations across the U.S. and earned \$1.5 billion in 2001. Sykes tells *Billboard* that strengthening Infinity's original content will be a key strategy under his leadership.

Sykes adds, "Radio has always been a powerful local medium, but consolidation has provided exciting new opportunities to reach millions of new consumers nationally. I'm very proud of what we were able to accomplish at VH1 and CMT, and I'm very excited about the new leadership under Judy McGrath."

McGrath, a 21-year veteran of MTV, tells *Billboard*, "Both CMT and VH1 have made their mark. We're not going to 'MTV-ize' VH1 and CMT and make them all the same network. It's going to be about supporting the unique teams and their unique audiences and encouraging creative ideas."



SYKES



McGRATH

Market Watch

A Weekly National Music Sales Report

YEAR-TO-DATE OVERALL UNIT SALES

	2001	2002	
Total	156,621,000	137,511,000	(↘12.2%)
Albums	148,504,000	134,189,000	(↘9.6%)
Singles	8,117,000	3,322,000	(↘59.1%)

YEAR-TO-DATE SALES BY ALBUM FORMAT

	2001	2002	
CD	136,953,000	126,218,000	(↘7.8%)
Cassette	11,265,000	7,649,000	(↘32.1%)
Other	286,000	322,000	(↗12.6%)

OVERALL UNIT SALES

This Week	12,258,000	This Week 2001	14,164,000
Last Week	12,155,000	Change	↘13.5%
Change	↗0.8%		

ALBUM SALES

This Week	11,950,000	This Week 2001	13,391,000
Last Week	11,860,000	Change	↘10.8%
Change	↗0.8%		

SINGLES SALES

This Week	308,000	This Week 2001	773,000
Last Week	295,000	Change	↘60.2%
Change	↗4.4%		

YEAR-TO-DATE CASSETTE ALBUM SALES BY STORE TYPE

	2001	2002	
Chain	4,654,000	3,087,000	(↘33.7%)
Independent	2,249,000	1,302,000	(↘42.1%)
Mass Merchant	4,162,000	3,131,000	(↘24.8%)
Nontraditional	200,000	129,000	(↘35.5%)

YEAR-TO-DATE CASSETTE ALBUM SALES BY STORE LOCALE

	2001	2002	
City	2,713,000	1,662,000	(↘38.7%)
Suburb	3,486,000	2,217,000	(↘36.4%)
Rural	5,066,000	3,770,000	(↘25.6%)

ROUNDED FIGURES

FOR WEEK ENDING 03/17/02

Compiled from a national sample of retail store and rack sales reports collected, compiled, and provided by SoundScan®

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(Nielsen Galaxy Explorer, 9/93-3/02, first episode rating of all MTV series, ranked on HHLDs & P12-34s)

Whither Majors?

Continued from page 1

capacities will create powerful music destinations."

Two years later, the industry remains preoccupied with the Internet. And yet, sales are declining and momentum has been building behind challenges to long-standing industry business practices from the likes of the Recording Artists Coalition. Meanwhile, there has been a tepid response—commercially and critically—to the first wave of the digital-music services in which the major labels have heavily invested and on which they are largely betting their future.

THE TWILIGHT OF AUTONOMY?

With WMG part of AOL Time Warner and three of the other four majors also part of larger media companies keen on marrying their music and other entertainment properties to the Internet, is the music industry well-positioned to solve these problems and begin growing sales and profits again? Or are the labels effectively handicapped, their autonomy subsumed in the aims of the companies of which they are now only a part?

Conversations with past and present major-label executives and music-industry observers yield answers that vary. Some argue that the majors benefit from the financial cushion a corporate parent offers against the demands of Wall Street and stockholders. They add that technology is transforming music, and the industry can best capitalize on it with the help of such technologically adept parents as Sony Corp. and America Online.

However, others acknowledge that there are important digital issues—including piracy and determining an Internet business model that works—but that the paramount concern remains investing money and time in artists. They say this can't always be done in a parent-company structure—especially if the aims of the conglomerate are not always consistent with those of the record label.

Those surveyed say it is still too early to know whether the structure in which four of the five major labels operate will prove beneficial or detrimental as the music industry addresses its problems. Yet there is clearly cause for concern. "Music's always been a business, but what we're seeing now is it's increasingly a big business, with big-business pressures," says Jeff Liebson, BMG Entertainment's VP for international business and legal affairs from 1991 to 1999 and currently a partner in the law firm of Rosenman & Colin. "Even though there's always been an emphasis on results, now there are demands for consistent results and for unrelenting growth."

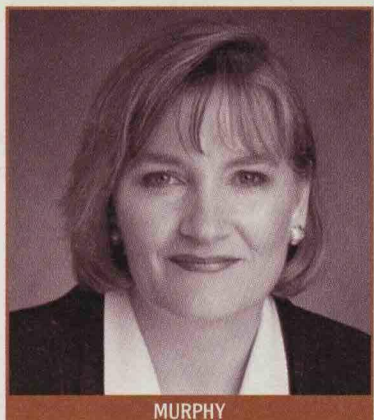
Apart from any potential synergies with the Internet or other company divisions, there was always a fundamental financial reason for America Online, Bertelsmann, Sony, and Vivendi to want to own major labels: cash flow. "A well-managed music company," a major-label executive notes, "is a cash machine."

The hundreds of millions of dollars that a label can generate annually can be reinvested in the music business or diverted by a parent company for other uses. For example, in the early '90s, Time Warner used cash flow from Warner Music to make cable-TV

acquisitions, eventually becoming the country's second-largest cable operator.

However, some executives assert that such former label heads as Mo Ostin at Warner Bros. Records and Goddard Lieberson at what was CBS Records had freer reign than their modern-day counterparts. They say there was, if not a greater understanding of music by their bosses, then at least a respect for how the business operated and a willingness not to meddle.

"Music used to be very significant to Warner Communications and to CBS when it owned what's now Sony, but as parts of larger companies, it takes on a little less importance," says Harold Vogel, a former Wall Street entertainment and media analyst who now serves as an



MURPHY

investment manager. "Vivendi still has very great dependence on and importance in music, but outside of that, the trend is toward less importance rather than more."

For instance, these days, Sony Music Entertainment is dwarfed—in stature and dollar terms—by the other divisions of Sony Corp. In the quarter that ended Dec. 31, 2001, Sony Music's 209 billion yen (\$1.583 billion) in revenue was only 9.1% of the total for the parent company. Likewise, in 2001, WMG's \$3.93 billion in revenue made up only 10.3% of AOL Time Warner's total sales. Its \$419 million in earnings before interest, taxes, depreciation, and amortization (ebitda) were 4.2% of the company's total.

Universal Music Group's (UMG) 2001 revenue of 6.56 billion euros (\$5.75 billion) and ebitda of 1.16 billion euros (\$1 billion) were 23.3% and 23% of the respective totals for Vivendi Universal's media and communications businesses.

"If I was a music company, I'd want to be part of a large organization so I could kind of hide out until the business gets improved," says Michael Nathanson, an analyst with Sanford C. Bernstein in New York. "You've got to hit budget numbers at a smaller company like an EMI, so you probably don't take the risks that the bigger guys take, because if they miss and something goes wrong, they've still got other divisions to offset them."

Vogel adds, "The truth is, if you don't have enough money to survive, you don't have autonomy, except on paper." Indeed, some say there is more autonomy in being part of a large corporate parent and therefore not having to answer directly to shareholders and demonstrate consistent financial growth.

"I'm not sure label executives have less autonomy just because they're in larger organizations," says Strauss Zelnick, head of ZelnickMedia and former president/CEO of BMG. "Arguably, this could create more autonomy, as a result of less corporate focus on what are now, in percentage revenue terms, smaller divisions.

"Stability and financial resources are highly correlated with success in the entertainment business," Zelnick adds. He also says that "it's probably a fallacy that there's a greater bottom-line focus now. UMG was part of MCA before MCA was bought by Matsushita, then Seagram, then Vivendi. PolyGram was part of Philips, a huge conglomerate. Both had public shareholders who demanded quarterly profits."

According to WMG executive VP/CFO Helen Murphy, the major has the best of both worlds, being owned by AOL Time Warner. "It's like any relationship: It's only good if you give and get," she says. AOL Time Warner executives "bought into the future of Warner Music Group, and in return, they expect an open and honest dialogue."

INHERENT TENSION

There has long been corporate ownership of record labels. There has also always been an inherent tension between the oftentimes unpredictable creative side of making music and the rigorous and regular demands that financial markets impose on music companies. Likewise, synergies have long been sought between diverse businesses under the same corporate umbrella.

What's different today is the manner in which these three elements are colliding in the current media landscape. The major media firms are embracing the Internet in an effort to draw their divisions closer together and grow them on an individual basis. It is believed by many to be the key—"the great equalizer," in the words of one former major-label executive—that will finally make the cross-divisional synergies click.

This has led some to wonder if there could be an erosion of autonomy at the conglomerate-owned major labels, as music is subsumed to a larger parent-company purpose. One major-label executive offers a scenario: "You use your music assets in order to build, let's say, MusicNet or Napster or something like that, and in the process you devalue your music asset in order to create a distribution channel—which, long-term, has got to be very dangerous."

At the very least, it appears there has been significant investment—approximately \$2 billion by the major labels, according to media analysts at ABN-AMRO—in developing the first-wave Internet music initiatives that have already been criticized for the lack of features—such as ownership and transportability—that consumers value most. Internet initiatives may be what the parent company wants, but it's far from clear that they spell success for the record labels themselves.

"It's absolutely clear that digital distribution into the home is going to be a huge business," Zelnick says, "but we have yet to figure out what the consumer business model is that will make it happen."

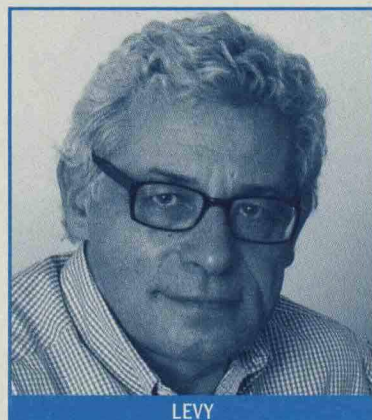
The concern is that when label executives have to think about cross-divisional initiatives, they can lose on their core business—precisely what they should be focusing on when sales are weak. And yet, when there is pressure from above, priorities can change. One major-label executive points out, "At the end of the day, presumably, we'll all be compensated to the extent that we produce for the company and produce for the overall company objectives."

For his part, EMI Recorded Music chairman/CEO Alain Levy counts EMI Group's stand-alone status as a positive.

"Being where we are, we can really focus on maximizing music sales and artists' long-term development," he says. "We're totally focused on music."

That also means EMI's fortunes are more closely tied to those of the industry. Citing the ill effects of piracy and the industry's inability thus far to capitalize on digital distribution, the label announced on Wednesday (18) plans to cut 1,800 jobs and upwards of 400 acts (see story, page 8).

Murphy insists that the "two-way street" of interaction between WMG and AOL Time Warner has served only to enhance both parties. "Strategically, economically, and fundamentally, their drive, their entrepreneurial spirit, and their willingness to do new things helped us reshape our busi-



LEVY

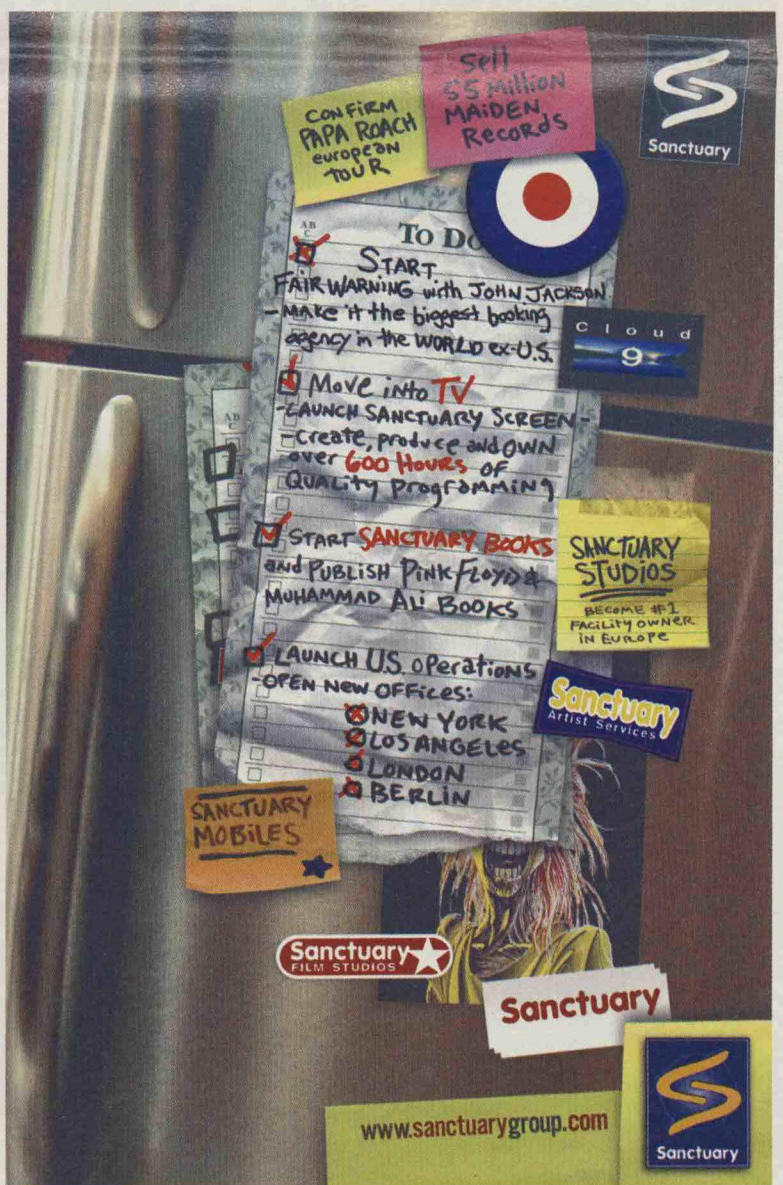
ness last year," she says. "And we did a lot of experimentation on the Web, with both AOL Music, Warner Bros., Time Inc., and other parts of the company. So from our perspective, we feel we've benefited tremendously from the merger and from AOL Time Warner as the parent."

America Online and Time Warner are now well into their second year together, though the outlook for the combined firm is less rosy than it once was. Upon completion of the merger in January 2001, AOL Time Warner predicted ebitda growth for the year of 31% and revenue growth of about 12%. After a forecast reduction late last September and another early this year on Jan. 30, the company reported 2001 ebitda of \$9.9 billion and revenue of \$38.23 billion. That represents increases of 18% and 5.6%, respectively. For 2002, the company is forecasting an 8%-12% increase in ebitda and a 5%-8% increase in revenue.

Under a new accounting standard, AOL Time Warner will also take a one-time, non-cash charge of \$40 billion-\$60 billion to reflect declines in the value of goodwill and other intangible assets since the merger. Meanwhile, subscriptions to the America Online Internet service—the company's flagship unit that provided 23% of AOL Time Warner's 2001 revenue—recently topped 34 million. Yet AOL Time Warner shares closed down 3.4% the day this was announced, amid concerns that it is adding subscribers at a slower pace and that free trials are eating away at the unit's revenue growth.

AOL Time Warner shares, which closed at \$52.56 Jan. 31, 2001—the day the company held its first meeting for investors and financial analysts as a completely merged entity—currently trade around \$27.

"You can say it's always been one of the charms of the music industry that it was filled with passion and focused more on artists than on business," Liebson says. "But this is increasingly less so, and the implications of a more corporate culture are yet to be fully understood."



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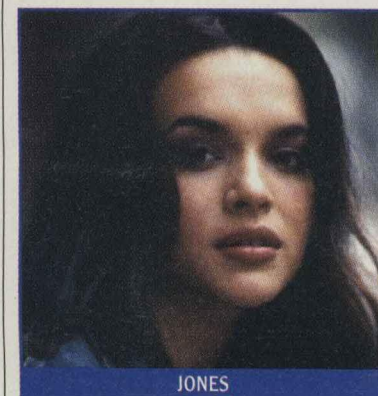
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Blue Note Breaks Norah Jones

BY CARLA HAY

NEW YORK—Not since Diana Krall has a solo female jazz artist created such a critical sensation in the media. Norah Jones is slowly but surely bringing her style of contemporary jazz to a growing audience with her major-label debut album on Blue Note/Capitol, *Come Away With Me* (Billboard, Feb. 9). Released Feb. 26, *Come Away With Me* (produced by Arif Mardin) bowed on the Heatseekers chart at a peak position of No. 5 in the March 16 issue. The album hit Heatseekers Impact status when it leapt from No. 139 to No. 92 on The Billboard 200 in the March 23 issue. The album also became a No. 1 hit on the Top Contemporary Jazz Albums chart.

Jones, 22, says, "I just try to stay focused on my music and my shows."



JONES

The daughter of famed Indian musician Ravi Shankar, Jones was born in Brooklyn, N.Y., and raised in Dallas. Jones has since returned to New

York City, where she is now based. She says, "I used to be more of a piano player; sometimes I feel I can sing better without the piano, but for now I feel comfortable doing both."

Blue Note director of marketing Zach Hochkeppel believes radio support has been key in breaking Jones to the mainstream. He says, "Jazz radio and National Public Radio stations have always been supportive of Norah's music, but we're also picking up airplay on triple-A stations, too." "Don't Know Why" is the album's lead track, and Jones recently completed a video for the song.

Jones' individuality is one of her best assets, says Andy O'Leary, music director/host at jazz station KUVU Denver: "When an artist like Norah Jones comes along, sometimes there's a tug of war between smooth jazz and mainstream jazz claiming her as their own, but she's such an individual artist that she doesn't have to fit into one format." Jim DeJong, jazz music buyer for Tower Records' Clark Street store in Chicago, says, "She's got a non-gimmicky, straightforward style."

Jones is managed by New York-based Shell Wright of Shell Wright Management and Vancouver based managers Sam Feldman of SL Feldman & Associates and Steve Macklam of Macklam Management. The artist is booked by Joe Brauner of Monterey Peninsula Artists in New York. Jones' songs are published by Muthajones Music (BMI).



INTERNATIONAL

Japanese Labels Face 'Pivotal Year' As Sales Decline

BY STEVE MCCLURE

TOKYO—The Japanese music market—the world's second-largest—is under siege.

As sales continue to decline amid Japan's ongoing recession, a combination of CD burning, file sharing, and used-CD sales threaten to further depress the market. That's the grim picture painted by SoundScan Japan and labels body the Recording Industry Assn. of Japan (RIAJ) in two recently released market surveys.

"The audio software market used to be unaffected by general business cycles, but that no longer seems to be true," the SoundScan report notes. And the RIAJ notes that as the prerecorded-music market shrinks, there are progressively fewer million-selling singles and albums. In 2000, the top 10 singles each shipped more than 1 million copies, while in 2001, only two managed to do that. The total value of annual shipments by RIAJ member companies in 2001 was 105 billion yen (\$800 million) lower than in 1998.

SoundScan Japan suggests that 2002 will be a pivotal year in the his-



TOMITSUKA

(\$0.38) now. It's appalling."

The trend toward increased CD-R copying is especially worrisome, Tomitsuka claims, since serial copy-right management system (SCMS) technology—which prevents multiple

artist in 2001, according to SoundScan, with retail sales worth a total of 21.1 billion yen (\$161 million).

"There aren't too many artists who manage to sell close to 50 billion yen [\$380 million] worth of CDs in three years," the report says, noting that in 1999, Hamasaki's sales totaled 12.6 billion yen (\$96 million), while in 2000, they amounted to 15.5 billion yen (\$118 million). SoundScan also notes that Hamasaki accounted for roughly 40% of Avex's total domestic-product sales last year.

The RIAJ report says the Japanese music market has become "bigger and shallower," in that the percentage of those surveyed who had recently bought CDs rose to 72% from the previous year's 66%. The report noted, though, that the percentage of people who bought only one to three CDs increased from 27% to 34%.

According to SoundScan, international repertoire (excluding imports) constituted 24.7% of music sales in Japan in 2001. The top-selling international act in Japan in 2000 was Enya (East West Japan), with total

must include a way for Internet service providers to monitor file sharing. "I think it's the only way for us to create a new business model," he says. "Until then, the only way to deal with piracy is to stop the source from being copied [through copy-protected CDs]."

Tokyo-based music critic Hiromichi Ugaya notes that Japanese consumers are increasingly cynical about a system that places too much emphasis on marketing, regardless of the quality of the music itself, to

launch "mega-hits." He adds, "There's more fun in smaller and individually oriented music markets, such as indies and Internet-provided MP3 music."

Bill Haw, GM of e-commerce site YesAsia's Japan office, sounds a similar note. "I don't think that this necessarily means that the market itself performed poorly in 2001," he says. "Perhaps the market did OK, and there was just a paucity of good artists out there."

Spanish Authors In Spat With CD-R Suppliers

BY HOWELL LLEWELLYN

MADRID—A dispute between Spanish authors' society SGAE and the Spanish association of electronic and communications companies, Asimelec, has been sparked by a recent court ruling that would leave suppliers of blank CD-R discs liable to pay a levy on each disc sold, to compensate authors and publishers for illegal duplication of their works.

The SGAE has so far brought four court actions against domestic CD-R manufacturers over nonpayment of a levy that it claims is payable under Spain's existing Intellectual Property Law; three are still on-going. In late January, a Barcelona court ruled that blank CD-R manufacturer Traxdata Iberica must pay 0.22 euros (\$0.20) for each blank CD-R it had sold since 1997. Traxdata Iberica will appeal the ruling.

Since 1997, levies have been imposed under the Intellectual Property Law on blank audio cassette tapes, videos, and photocopying machines. In addition to those specific examples, the current law covers "all other" blank software/sound carriers.

Spanish manufacturers of blank CD-Rs agree in principle to paying authors' rights but disagree about the percentage of CD-Rs that are bought for the purpose of music recording. SGAE and Asimelec have attempted to negotiate a deal for more than a year; Asimelec is willing to make some kind of payment based on the number of CD-Rs used to download music. But each side offers contrasting figures: The SGAE claims that 77% of the 67 million CD-Rs it says were sold in Spain in 2001 (an increase of 70%

from 2000) were used to copy music, while Asimelec puts the figure at 10%. The SGAE's figure comes from a November 2001 survey it commissioned from Anglo-Spanish music research company Millward Brown/Alef, which was published in February.

Asimelec also claims that, if applied across the board, the court ruling would cost the sector 45.8 million euros (\$40 million) to cover the period from 1997 to date and would force a 50% increase on the price of all blank discs—regardless of their intended use.

Neither Traxdata Iberica nor any of the other three CD manufacturers still awaiting the outcome of cases brought by the SGAE will disclose how many CD-Rs they have sold in this period. Asimelec puts the total figure sold in Spain between 1997-2001 at 206 million units. Asimelec director general José Pérez argues that it is impossible

"to control the use made of these products." But the court ruling stated "it is well-known [that] it is a custom of the Spanish consumer to record, by computer, CDs legally acquired by other people."

Asimelec claims that, through its court actions, the SGAE is trying to recoup copyright lost through illegal CDs sold on the streets all over Spain, which the music industry says is responsible for 30% of all music sold. But SGAE mechanical reproduction director Juan Palomino denies this, saying, "One thing is piracy, and another is private copying at home." Palomino adds that the SGAE has always been keen to "negotiate a fair tax on CD-Rs and not impose [one]."

Japanese Labels' Market Share In 2001

	2001	2000
1. Sony	17.1%	18.5%
2. Toshiba-EMI	12.2%	11.6%
3. Avex	11.5%	9.8%
4. Universal	9.7%	9.1%
5. Victor	9.1%	10.2%
6. Warner	6.7%	5.7%
7. Toy's Factory	4.4%	3.4%
8. BMG Funhouse	4.3%	5.7%
9. Pony Canyon	3.5%	4.4%
10. Zetima	3.1%	2.0%

Source: SoundScan Japan



sales of 2.7 billion yen (\$20.6 million). One key trend in the international music market in 2001 was that, of the 20 top-selling international albums in Japan, no fewer than 14 were great-hits or themed compilations.

One bright spot in the SoundScan Japan report is that the independent sector showed healthy growth in 2001 and now accounts for roughly 5% of the Japanese market. SoundScan Japan system manager Tadashi Takahashi estimates that figure will rise to 7% this year.

"This trend also indicates that indies' sales are compensating for the drop in sales by the major record companies," the SoundScan report states. "It may not be too long before a company grows from an indie label to a major one, as Zomba Records did in the U.S."

Tower Records senior VP/Far East managing director Keith Cahoon says, "The fact that indies are a major force these days is undeniable. Some of our stores sell over 10% of their total sales in [Japanese pop] indies."

SoundScan Japan's data is culled from point-of-sale data provided by some 1,300 record stores nationwide, on which an estimate of total prerecorded music sales in Japan (excluding imported product) is based.

Tomitsuka says any future business model for the recording industry

copies of digital software from being made—does not work with CD-Rs.

Citing another threat to the music business, the RIAJ estimates that some 7,600 retailers in Japan currently sell used CDs. That puts the annual value of used-CD sales in Japan at some 40 billion yen (\$304.7 million), based on a 50% discount from the original list price. Tomitsuka says, "Of those sales, not a penny goes to the manufacturers or the rights owners."

The SoundScan and RIAJ reports also highlight the continuing decline in the CD-singles market in Japan. According to SoundScan, sales of singles in 2001 totaled 89.1 billion yen (\$679 million), down 13.7% from 2000.

The SoundScan report shows how a relatively small number of big-name acts dominate the Japanese music scene. Twenty acts accounted for some 36% of domestic-product sales in 2001, according to SoundScan. Female vocalist Ayumi Hamasaki (Avex) was Japan's top-selling



tory of the Japanese music industry. "This may well be the year which governs the path that the audio software industry will take in the coming years," the report states. "Actually, based on the fact that the big domestic artists are selling less and there are no newcomers to take their places, there is a big possibility that sales will be down considerably from the previous year."

SoundScan Japan's data is based on total retail sales in Japan; its report does not show as great a decline in the music market here as the RIAJ's recently issued 2001 sales data, which is based on shipments (net of returns) by its 24 member companies. Tokyo-based SoundScan Japan, the local licensee of the U.S. research company, is operated by JVC subsidiary Soft Information Planning. SoundScan says music sales in Japan in 2001 fell 3.8% from 2000 to 513.2 billion yen (\$3.9 billion), the third straight annual decline.

One reason sales are expected to continue falling this year is the surge in the copying of CDs to CD-Rs. A survey conducted by the RIAJ in the first two weeks of October last year found that 30% of those polled owned CD-R drives, compared with 18% of those surveyed a year earlier. RIAJ chairman Isamu Tomitsuka warns: "You can make a perfect copy of a CD for 50 yen

MARCH 30
2002

Billboard®

HITS OF THE WORLD



JAPAN			UNITED KINGDOM			GERMANY			FRANCE		
THIS WEEK	LAST WEEK	(Dempa Publications Inc.) 03/20/02	THIS WEEK	LAST WEEK	(Official UK Charts Co.) 03/18/02	THIS WEEK	LAST WEEK	(Media Control) 03/20/02	THIS WEEK	LAST WEEK	(SNEP/IFOP/TITE-LIVE) 03/19/02
SINGLES			SINGLES			SINGLES			SINGLES		
1	6	KIRAKIRA KAZUMASA ODA FUN HOUSE/BMG	1	1	EVERGREEN/ANYTHING IS POSSIBLE WILL YOUNG S/RCA	1	1	WHENEVER, WHEREVER SHAKIRA EPIC	1	1	QUI EST L'EXEMPLE ROHFF HOSTILE/VIRGIN
2	2	WAY OF DIFFERENCE GLAY UNLIMITED	2	NEW	ME JULIE SHAGGY & ALI G ISLAND/UNIVERSAL	2	2	ENGEL BEN FEATURING GIM HANSA/BMG	2	2	BECAUSE I GOT HIGH AFROMAN UNIVERSAL
3	1	FANTASISTA DRAGON ASH VICTOR	3	2	WHENEVER, WHEREVER SHAKIRA EPIC	3	5	DO YOU BRO'SIS POLYDOR	3	3	J'AI TOUT OUBLIÉ MARC LAVOINE & CRISTINA MAROCCO MERCURY
4	7	WADATSUMI NO KI CHITOSE HAJIME EPIC	4	NEW	AIN'T IT FUNNY (JA RULE MIX) JENNIFER LOPEZ FEATURING JA RULE EPIC	4	3	WO WILLST DU HIN? XAVIER NADDO SPV	4	4	ETERNAL FLAME ATOMIC KITTEN VIRGIN
5	NEW	LET'S GET TOGETHER NOW VARIOUS ARTISTS DEFSTAR	5	4	HOW YOU REMIND ME NICKELBACK ROADRUNNER/UNIVERSAL	5	6	HOW YOU REMIND ME NICKELBACK MERCURY/UNIVERSAL	5	8	FALLIN' ALICIA KEYS J/BMG
6	3	DAYBREAK AYUMI HAMASAKI AVEX TRAX	6	5	SOMETHING LASGO POSITIVA/EMI	6	8	HARD TO SAY I'M SORRY AQUAGEN DOS OR DIE/ZOMBA	6	12	COMME UN BOOMERANG ETIENNE DAHO & DANI VIRGIN
7	5	HANAUTA TOKIO UNIVERSAL	7	NEW	A NEW DAY HAS COME CELINE DION EPIC	7	4	KEINE AMNESTIE FÜR MTV BOHSE ONKELZ VIRGIN	7	5	CINDY VARIOUS ARTISTS ENZO MUSIC
8	4	SIWASENISUITE HONKIDASHITE KANGAETEMITA PORNIO GRAFFITI SONY	8	3	HERO ENRIQUE IGLESIAS INTERSCOPE/UNIVERSAL	8	NEW	FREE STARSPLASH EDEL	8	6	ON SE RESSEMBLE MARIO ISLAND/UNIVERSAL
9	NEW	YUMEMITA ATODE GARNET CROW GIZA STUDIO	9	NEW	RUN TO THE HILLS IRON MAIDEN EMI	9	NEW	A NEW DAY HAS COME CELINE DION COLUMBIA	9	7	GIMME GIMME GIMME STAR ACADEMY MERCURY
10	9	SOUDA! WE'RE ALIVE MORNING MUSUME ZETIMA	10	NEW	WRONG IMPRESSION NATALIE IMBRUGLIA RCA	10	10	NO MORE TEARS JEANETTE POLYDOR	10	RE	PAID MY DUES ANASTACIA EPIC
HOT MOVER SINGLES			HOT MOVER SINGLES			HOT MOVER SINGLES			HOT MOVER SINGLES		
11	NEW	AENAI NAGAI NICHIOUBI MIKI FUJIMOTO HACHAMA	16	NEW	ON THE RUN TILLMANN UHRMACHER DIRECTION	22	NEW	TAKE ME AWAY (INTO THE NIGHT) 4 STRINGS POLYSTAR	14	31	TU ES TOUJOURS LA TINA ARENA COLUMBIA
15	NEW	BITTERSWEET SAMBA RE-JAPAN AVEX TRAX	21	NEW	THE FAKE SOUND OF PROGRESS LOST PROPHETS VISIBLE NOISE	23	38	TRACKIN' BILLY CRAWFORD V2	15	23	1M73, 62 KG SCOTTIE M6 INT.
16	NEW	EVERY HEART—MINNANO KIMOCCHI BOA AVEX TRAX	25	NEW	TOXICITY SYSTEM OF A DOWN AMERICAN/COLUMBIA	25	NEW	PUT YOUR ARMS AROUND ME NATURAL ARIOLA	22	NEW	ADAM & YVES ZAZIE MERCURY
20	NEW	KISS YOU JYOUNETSU TAKAKO UEHARA AVEX TRAX	26	NEW	MY GIRL MY GIRL WARREN STACEY DEF SOUL/UNIVERSAL	26	34	EVERYTIME I CLOSE MY EYES VANESSA AMOROSI UNIVERSAL	24	NEW	PERDONO TIZIANO FERRO EMI
23	NEW	BAREMU—NEGAI ULTRA CATS SONY	31	NEW	GET OUT FELON SERIOUS/UNIVERSAL				29	36	LE JOUR J THIBAUT DURAND EPIC
ALBUMS			ALBUMS			ALBUMS			ALBUMS		
1	1	MISIA MISIA GREATEST HITS FUN HOUSE/BMG	1	4	NICKELBACK SILVER SIDE UP ROADRUNNER/UNIVERSAL	1	1	ANASTACIA FREAK OF NATURE EPIC	1	1	LES ENFOIRÉES TOUS DANS LE MEME BATEAU RESTO DU COEUR/BMG
2	NEW	YUKO HARA TOKYO TAMOURE VICTOR	2	1	BARBRA STREISAND THE ESSENTIAL BARBRA STREISAND COLUMBIA	2	2	ALANIS MORISSETTE UNDER RUG SWEPT MAVERICK/WARNER BROS.	2	2	GERALD DE PALMAS MARCHER DANS LE SABLE POLYDOR
3	NEW	BOA LISTEN TO MY HEART AVEX TRAX	3	NEW	SHAKIRA LAUNDRY SERVICE EPIC	3	3	SHAKIRA LAUNDRY SERVICE EPIC	3	NEW	INDOCHINE PARADISE COLUMBIA
4	NEW	NAMIE AMURO LOVE ENHANCED SINGLE COLLECTION AVEX TRAX	4	2	ALANIS MORISSETTE UNDER RUG SWEPT MAVERICK/WARNER BROS.	4	6	NICKELBACK SILVER SIDE UP ROADRUNNER/UNIVERSAL	4	3	LES 10 COMMANDEMENTS SOUNDTRACK MERCURY
5	3	CHIHIRO ONITSUKA THIS ARMOR TOSHIBA/EMI	5	9	JAMIROQUAI A FUNK ODYSSEY SONY S2/SONY	5	7	BRO'SIS NEVER FORGET (WHERE YOU COME FROM) POLYDOR	5	6	YANNICK NOAH YANNICK NOAH SAINT GEORGE/SONY
6	2	YUZU YUZU MORE SENHA & CO	6	3	STING & THE POLICE THE BEST OF STING & THE POLICE A&M/UNIVERSAL	6	4	JAILBABES HINTER GITTERN ARIOLA	6	4	FLORENT PAGNY CHATELET LES HALLES MERCURY
7	10	WIENER PHILHARMONIKER/OZAWA NEUJAHRSKONZERT 2002 DEUTSCHE GRAMMOPHON/UNIVERSAL	7	NEW	BEVERLEY KNIGHT WHO I AM PARLOPHONE RHYTHM/EMI	7	8	ENRIQUE IGLESIAS ESCAPE INTERSCOPE/UNIVERSAL	7	NEW	113 FOUT LA MERDE S.M.A.L.L.
8	4	T.M. REVOLUTION B.E.A.S.T. FOR LIFE	8	RE	ALICIA KEYS SONGS IN A MINOR J/BMG	8	NEW	BAP OVERALL ELECTROLA	8	8	JEAN-JACQUES GOLDMAN CHANSONS POUR LES PIEDS COLUMBIA
9	5	THE GOSPELERS FRENNY KU/DON/SONY	9	7	KYLIE MINOGUE FEVER PARLOPHONE	9	10	ROBBIE WILLIAMS SWING WHEN YOU'RE WINNING CHRYSALIS/EMI	9	NEW	SHAKIRA LAUNDRY SERVICE EPIC
10	6	EXILE OUR STYLE RHYTHM ZONE	10	8	DIDO NO ANGEL CHEEKY/ARISTA	10	9	DIE TOTEN HOSEN AUSWURTSPIEL JKP/EAST WEST	10	9	ROMEO & JULIETTE SOUNDTRACK MERCURY

CANADA			SPAIN			AUSTRALIA			ITALY		
THIS WEEK	LAST WEEK	(SOUNSCAN) 03/30/02	THIS WEEK	LAST WEEK	(AFYVE) 03/30/02	THIS WEEK	LAST WEEK	(ARIA) 03/18/02	THIS WEEK	LAST WEEK	(FIMI) 03/18/02
SINGLES			SINGLES			SINGLES			SINGLES		
1	1	CANADIAN MAN: HOCKEY PAUL BRANDT BRAN/BMG	1	1	MOI... LOLITA ALIZEE POLYDOR/UNIVERSAL	1	2	NOT PRETTY ENOUGH KASEY CHAMBERS EMI	1	2	WHENEVER, WHEREVER SHAKIRA EPIC
2	2	HANDS CLEAN ALANIS MORISSETTE MAVERICK/REPRISE/WARNER	2	NEW	TORERO CHAYANNE COLUMBIA	2	1	WHENEVER, WHEREVER SHAKIRA EPIC	2	1	QUESTA E' LA MIA VITA UGABUE WEA
3	NEW	IT'S OVER TUULI LINUS/WARNER	3	2	BAILA (SEXY THING) ZUCCHERO POLYDOR/UNIVERSAL	3	3	DANCE WITH ME 112 BAD BOY/ARISTA	3	3	ACCETTA IL CONSIGLIO... PER QUESTA VOLTA LINUS COLUMBIA
4	7	RAPTURE (TASTES SO SWEET) HIO MINISTRY OF SOUND/SPG	4	3	DUCK TOY HAMPENBERG POLYDOR/UNIVERSAL	4	4	MURDER ON THE DANCEFLOOR SOPHIE ELLIS-BEXTOR POLYDOR	4	4	HANDS CLEAN ALANIS MORISSETTE MAVERICK/WARNER BROS.
5	3	ONLY TIME ENYA REPRISE/WARNER	5	4	NO SE QUE ME DAS FANGORIA SUBTERRUGUE	5	5	SUPERMAN (IT'S NOT EASY) FIVE FOR FIGHTING COLUMBIA	5	NEW	MURDER ON THE DANCEFLOOR SOPHIE ELLIS-BEXTOR POLYDOR
6	4	UH HUH B2K EPIC/SONY	6	NEW	POINT OF VIEW DB BOULEVARD BLANCO Y NEGRO	6	9	WHAT ABOUT US? BRANDY ATLANTIC/WARNER	6	NEW	RUN TO THE HILLS IRON MAIDEN EMI
7	6	THERE YOU'LL BE FAITH HILL HOLLYWOOD/WARNER	7	5	HERE I AM LA LUNA VALE MUSIC	7	8	STOP CALLING ME SHAKAYA COLUMBIA	7	9	IN YOUR EYES KYLIE MINOGUE PARLOPHONE/EMI
8	5	MY IRON LUNG RADIOHEAD CAPITOL/EMI	8	7	IN YOUR EYES KYLIE MINOGUE EMI/ODEON	8	6	LIVIN' IT UP JA RULE FEATURING CASE RAL/UNIVERSAL	8	7	POINT OF VIEW DB BOULEVARD AIRPLANE/WARNER
9	8	STUCK IN A MOMENT YOU CAN'T GET OUT OF U2 INTERSCOPE/UNIVERSAL	9	NEW	ESCAPAR ENRIQUE IGLESIAS POLYDOR/UNIVERSAL	9	NEW	HEY BABY (UUH AAH) DJ OTZI SHOCK	9	NEW	DIMMI COME... ALEXIA EPIC
10	10	MY SWEET LORD GEORGE HARRISON Gnome/EMI	10	NEW	LOCO CORAZON—REMIXES DANIEL ANDREA WARNER	10	7	INSATIABLE DARREN HAYES ROADRACER/SONY	10	19	FALLIN' ALICIA KEYS J/BMG RICORDI
HOT MOVER SINGLES			HOT MOVER SINGLES			HOT MOVER SINGLES			HOT MOVER SINGLES		
11	NEW	INSATIABLE DARREN HAYES COLUMBIA/SONY	13	NEW	A NEW DAY HAS COME CELINE DION COLUMBIA	11	15	HANDS CLEAN ALANIS MORISSETTE MAVERICK/WARNER	11	NEW	BATTE FORTE LOLLIPOP WEA
12	17	KNIVES OUT RADIOHEAD CAPITOL/EMI	16	NEW	AIN'T IT FUNNY (REMIX) JENNIFER LOPEZ EPIC	15	23	I DO!! TOYA ARISTA	14	NEW	A NEW DAY HAS COME CELINE DION COLUMBIA
14	RE	WONDERLAND KELIS VIRGIN/EMI	17	NEW	WHAT IS HAPPENING HERE ANGEL SANCHEZ DJ AIRE-DREAM-VALE	19	22	EVERYWHERE MICHELLE BRANCH MAVERICK/WARNER	15	NEW	IL PASSO SILENZIOSO DELLA NEVE VALENTINA GIOVANNINI VIRGIN
15	20	FIXED NINE INCH NAILS NOTHING/INTERSCOPE/UNIVERSAL	19	NEW	RUN TO THE HILLS IRON MAIDEN EMI/ODEON	20	NEW	A WOMAN'S WORTH ALICIA KEYS J/BMG	16	NEW	DOPPIAMENTE FRAGILI ANNA TATANGELO EMI
24	RE	MUSIC MADONNA MAVERICK/WARNER				21	NEW	POINT OF VIEW DB BOULEVARD AIRPLAY/EPIC	19	NEW	THE SWITCH PLANET FUNK VIRGIN
ALBUMS			ALBUMS			ALBUMS			ALBUMS		
1	NEW	REMY SHAND THE WAY I FEEL MOTOWN/UNIVERSAL	1	1	OPERACIÓN TRIUNFO GALA EUROVISION VALE MUSIC	1	1	GEORGE POLYSERENA FESTIVAL	1	NEW	GIANLUCA GRIGNANI UGALI E DIVERSI UNIVERSAL
2	1	ALANIS MORISSETTE UNDER RUG SWEPT MAVERICK/WARNER	2	2	OPERACIÓN TRIUNFO OPERACIÓN TRIUNFO CANTA DISNEY VALE MUSIC	2	2	KASEY CHAMBERS BARRICADES & BRICK WALLS EMI	2	1	ALANIS MORISSETTE UNDER RUG SWEPT MAVERICK/WARNER BROS.
3	5	DIANA KRALL THE LOOK OF LOVE VERVE/UNIVERSAL	3	NEW	NINA PASTORI MARIA ARIOLA/BMG	3	3	ALICIA KEYS SONGS IN A MINOR J/BMG	3	2	SHAKIRA LAUNDRY SERVICE EPIC
4	3	NICKELBACK SILVER SIDE UP EMI	4	4	EXTREMODOURO YO, MINORIA ABSOLUTA DRO	4	5	JAMIROQUAI A FUNK ODYSSEY EPIC	4	3	LAURA PAUSINI THE BEST OF LAURA PAUSINI—E RITORNO DA TE CGD/WARNER
5	4	SOUNDTRACK O BROTHER, WHERE ART THOU? LOST HIGHWAY/MERCURY/UNIVERSAL	5	3	OPERACIÓN TRIUNFO LO MEJOR DE LOS GANADORES VALE MUSIC	5	4	ALANIS MORISSETTE UNDER RUG SWEPT MAVERICK/WARNER BROS.	5	5	ZUCCHERO SHAKE POLYDOR
6	7	SHAKIRA LAUNDRY SERVICE EPIC/SONY	6	NEW	NATALIA NO SOY UN ANGEL VALE MUSIC	6	6	LINKIN PARK HYBRID THEORY WARNER BROS.	6	4	JOVANOTTI IL QUINTO MONDO SOLELUNA/MERCURY
7	9	ENRIQUE IGLESIAS ESCAPE INTERSCOPE/UNIVERSAL	7	6	OPERACIÓN TRIUNFO ALBUM VALE MUSIC	7	7	SHAKIRA LAUNDRY SERVICE EPIC	7	9	ALICIA KEYS SONGS IN A MINOR J/BMG RICORDI
8	6	VARIOUS ARTISTS YTV BIG FUN PARTY MIX 3 UNIVERSAL	8	NEW	BERTIN OSBORNE MIS RECUERDOS MERCURY/UNIVERSAL	8	9	ROBBIE WILLIAMS SWING WHEN YOU'RE WINNING CHRYSALIS/EMI	8	NEW	FRANCESCO RENGA TRACCE MERCURY/UNIVERSAL
9	2	VARIOUS ARTISTS GRAMMY NOMINEES 2002 GRAMMY/UTV/UNIVERSAL	9	5	OPERACIÓN TRIUNFO SINGLES GALA 14 VALE MUSIC	9	12	ENRIQUE IGLESIAS ESCAPE INTERSCOPE/UNIVERSAL	9	NEW	PATTY PRAVO RADIO STATION EPIC
10	RE	JA RULE PAIN IS LOVE MURDER INC./DEF JAM/UNIVERSAL	10	NEW	PARA ANTONIO FLORES 'COSAS TUYAS' UNIVERSAL	10	8	JEBEDIAH JEBEDIAH MURMUR/SONY	10	NEW	DANIELE SILVESTRI UNO—DUE EPIC

Hits of the World is compiled at Billboard/London.

NEW = New Entry RE = Re-Entry

All-Star Lobby of Rockers

Musicians at four venues come together to raise money for artists' rights.

By RANDY LEWIS
TIMES STAFF WRITER

Social Distortion leader Mike Ness wrote "Ball & Chain" in 1988 as a testament to one man's rise from the pit of despair, but when he sang it Tuesday at the Wiltern Theatre, its refrain seemed the ideal summation of many mu-

Eddie Vedder, "If anyone knows about getting ripped off by a record company, I do."

Billy Joel made one of the few pointed remarks during the Forum's five-hour rock bill which also featured the Eagles, Sheryl Crow, Stevie Nicks and John Fogerty. "This is the just cause," he said during his 40-minute set. "I used to



RICHARD HARTOG / Los Angeles Times

Eagles members Timothy B. Schmidt, left, Don Henley, Glenn Frey and Joe Walsh sing at the Forum.



LOBBY OF Rockers

Musicians at four venues come together to raise money for artists' rights.

By RANDY LEWIS
TIMES STAFF WRITER

Social Distortion leader Mike Ness wrote "Ball & Chain" in 1988 as a testament to one man's rise from the pit of despair, but when he sang it Tuesday at the Wiltern Theatre, its refrain seemed the ideal summation of many musicians' view of the record industry's standard contract provisions.

Ness was among more than a dozen acts who took part in the four-venue Concert for Artists Rights, a fund-raiser expected to generate more than \$2 million for the Recording Artists Coalition, a new lobbying group created to give musicians a unified voice at the legislative table.

Concerts at the Forum in Inglewood, Universal Amphitheatre, Long Beach Arena and the Wiltern Theatre were staged to raise money for the coalition to lobby on behalf of musicians rather than educate the public, so participants went out of their way to make music, not speeches.

Most simply thanked fans for coming out, or referred briefly to leveling the playing field with record labels, although Ness told those who came to the Wiltern to see him, Beck and Pearl Jam singer

Eddie Vedder, "If anyone knows about getting ripped off by a record company, I do."

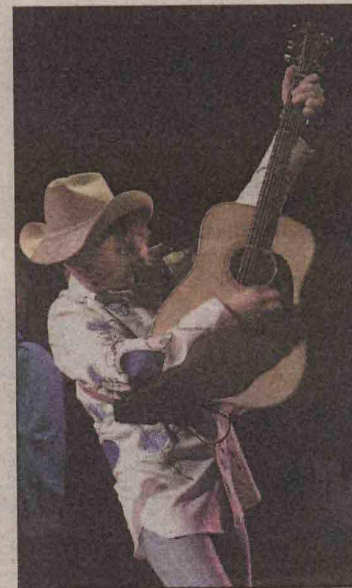
Billy Joel made one of the few pointed remarks during the Forum's five-hour rock bill which also featured the Eagles, Sheryl Crow, Stevie Nicks and John Fogerty. "This is the just cause," he said during his 40-minute set. "I used to live out here, and I got signed to a deal with a company that was sucking my blood for 25 years. I just don't want that to happen to nobody else, OK?"

Fans applauded, but not as loudly as when Tom Hanks strode onstage to introduce Nicks, amping up the star power. The wattage was pushed higher yet when Nicks brought an unbilled Tom Petty out. Crow and Henley also joined Nicks for the most musically interactive portion of the Forum show.

Crow turned up at Universal during the Dixie Chicks' set, returning the favor Chicks' singer Natalie Maines provided when she joined Crow earlier at the Forum. Bluegrass banjo master Earl Scruggs also appeared with the Chicks on a bill that included Dwight Yoakam, Emmylou Harris, Trisha Yearwood and Patty Griffin.

The 2,200 people who packed the Wiltern saw a rare solo set by

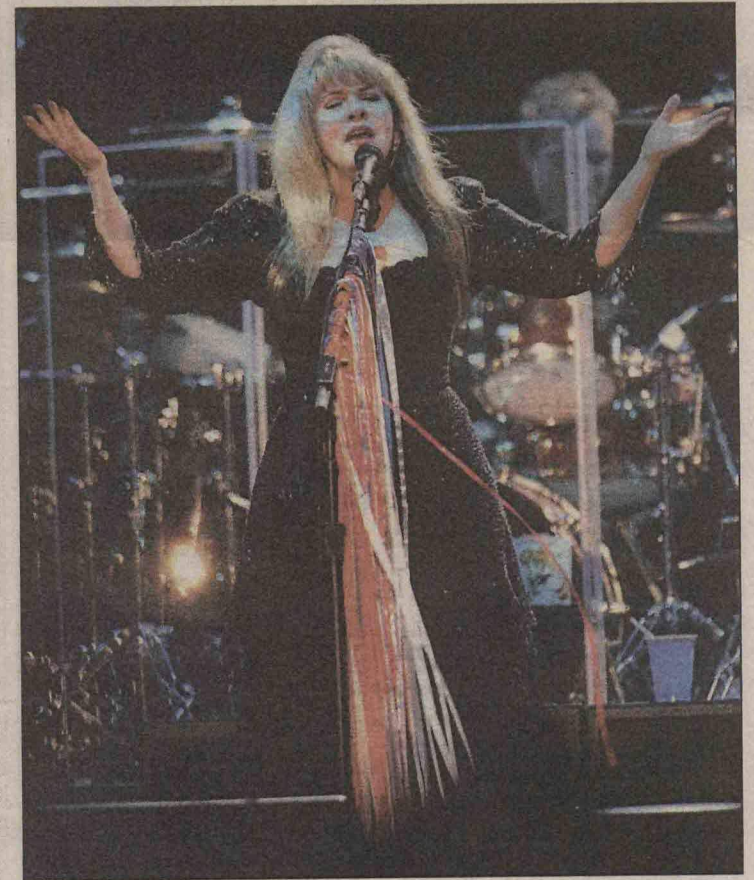
Eagles members Timothy B. Schmidt, left, Don Henley, Glenn Frey and Joe Walsh sing at the Forum.



BÉATRICE de GÉA / Los Angeles Times
Dwight Yoakam at the Universal.

Vedder that included "Dead Man," a 1996 Pearl Jam rarity, his version of the Beatles' "You've Got to Hide Your Love Away," from the "I Am Sam" soundtrack and Pearl Jam's "Parting Ways." He, Ness and Beck joined one another during successive sets that ran a little more than three hours. Radiohead singer Thom Yorke made a surprise appearance, singing the Velvet Underground's "I'm Set Free" with Beck.

Fogerty, whose career was famously sidelined by drawn-out battles with his record label, returned to the Forum stage he played more than three decades ago as the leader of Creedence Clearwater Revival, delivering a handful of CCR hits, plus his 1985



RICHARD HARTOG / Los Angeles Times
Stevie Nicks rocks the crowd at the Forum's Concert for Artists Rights.

song "Centerfield."

All except the Forum concert sold out in advance, and the Forum appeared near-capacity Tuesday night, with only a few hundred of its 17,000 seats roped off behind the stage because of restricted sight lines.

One unusual result was a benefit about which many fans said they

wished they'd been told more during the evening.

"If I knew more, I'd care more," said Forum concertgoer Beatrice Solis, 27, of West Los Angeles. "They should have talked or run tapes between acts to explain what the issues are."

The coalition's immediate target is the music industry's exemption

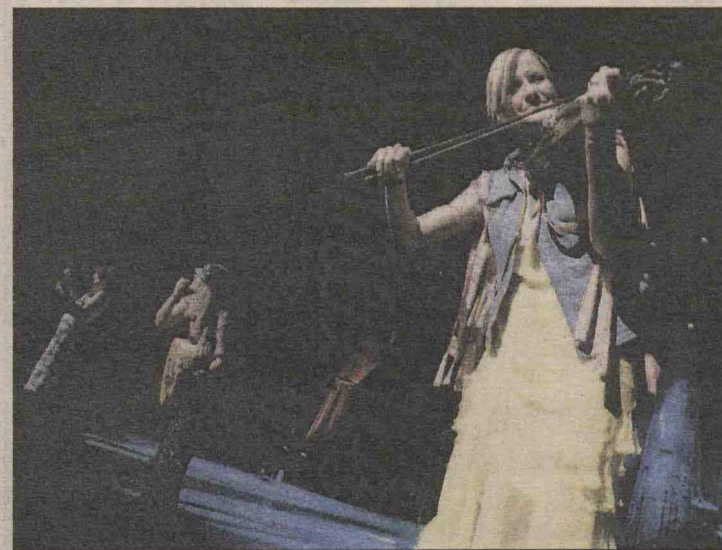


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'I used to live out here, and I got signed to a deal with a company that was sucking my blood for 25 years. I just don't want that to happen to nobody else, OK?'

BILLY JOEL

Performing at the Forum



BÉATRICE de GÉA / Los Angeles Times

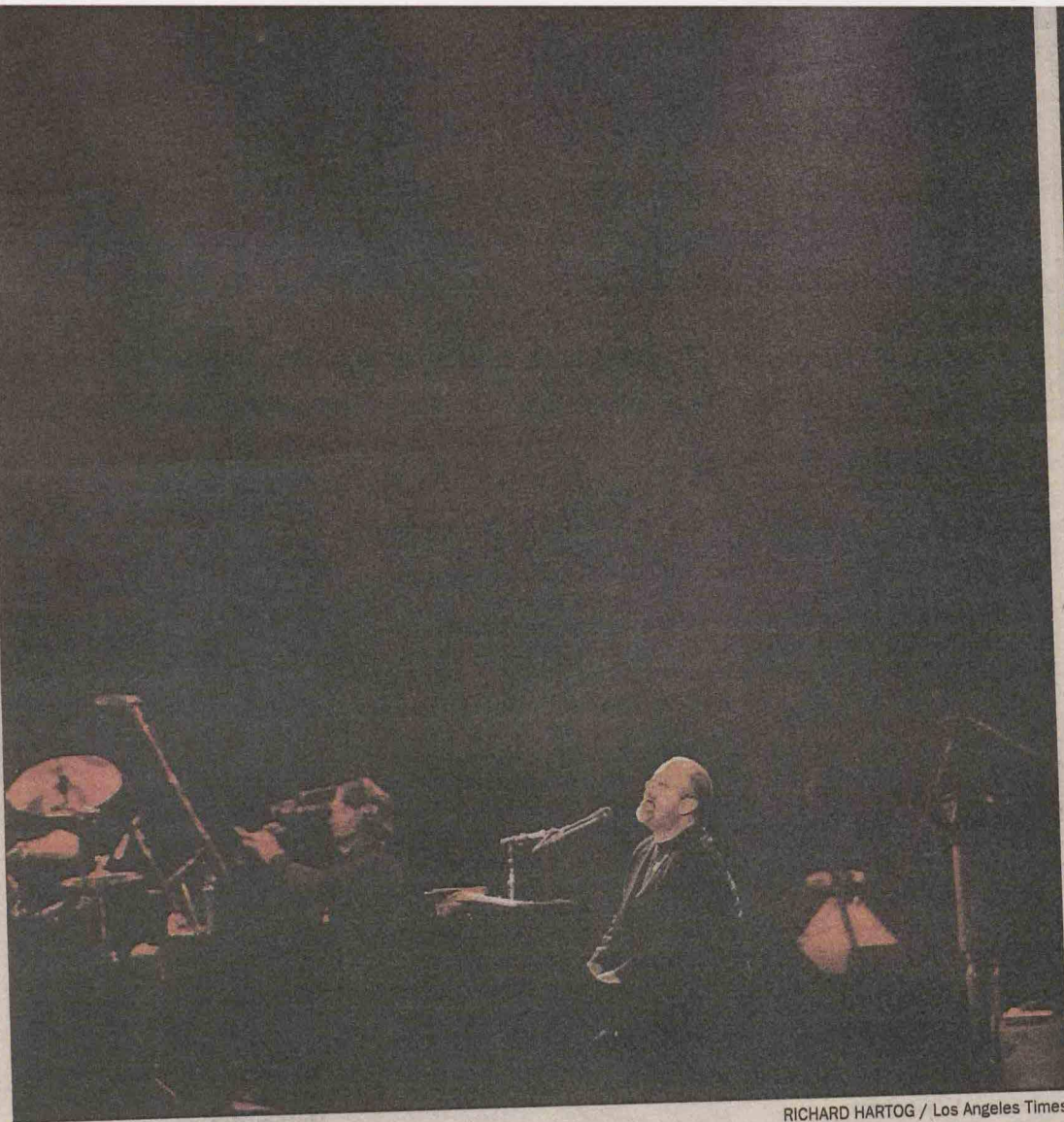
Dixie Chicks fiddler Martie Seidel and the band at Universal.



ment.

"It's a new frontier," said Crow, another driving force behind the coalition, before Tuesday's concert. "We [musicians] are having to grow up and be adults and handle these things ourselves. It's not in the nature of artists to join groups and concentrate on issues or the business side of our work."

Lines for beer generally were deeper than those at merchandise



RICHARD HARTOG / Los Angeles Times

Billy Joel performed on the Forum's rock bill with the Eagles, Sheryl Crow, Stevie Nicks and John Fogerty.

from the California law limiting personal service contracts to seven years.

"The seven-year clause is clearly discriminatory," Offspring singer Bryan "Dexter" Holland said in advance of his performance at the Long Beach Arena, along with alt-rockers No Doubt and Weezer. "No one can be bound to a personal

service contract for more than seven years—except musicians. It wouldn't fly with anyone else that was organized or unionized."

Coalition members are rallying behind a state bill to repeal that exemption, SB 1256, sponsored by Sen. Kevin Murray (D-Culver City), who sat beside Henley, the group's co-founder, at a hastily assembled

press conference backstage at the Forum just before the show began.

Henley quickly set out to refute the characterization of the Recording Artists Coalition as a group of rock stars simply trying to make themselves richer.

"I don't have a dog in this fight," Henley said. "As far as I'm concerned, I've just got to make two



BÉATRICE de GÉA / Los Angeles Times

Dixie Chicks fiddler Martie Seidel and the band at Universal.



BÉATRICE de GÉA / Los Angeles Times

Trisha Yearwood at Universal.

more albums and I'm out of here. And I'm perfectly happy with my contract."

The majority of working musicians, however, can't say the same, Henley said, because of contract provisions record companies insist upon, knowing that artists cannot fulfill them, especially the seven-albums-in-seven-years require-

ment.

"It's a new frontier," said Crow, another driving force behind the coalition, before Tuesday's concert. "We [musicians] are having to grow up and be adults and handle these things ourselves. It's not in the nature of artists to join groups and concentrate on issues or the business side of our work."

Lines for beer generally were deeper than those at merchandise booths selling \$40 coalition sweat shirts, \$20 T-shirts, \$10 posters and lapel pins. The exception was the teen-heavy crowd at Long Beach Arena, which was snapping up the items at a brisk pace.

Fans surveyed appeared to have a limited grasp of the cause for which they'd turned out—most said they came for the music.

"I know the bands are mad at the record labels and they don't want other bands to get ripped off," is how Long Beach 16-year-old Aubry McDaniel summed up the cause. But mainly, "I came to see Gwen," referring to No Doubt singer Gwen Stefani.

■ Robert Hilburn reported from Universal Amphitheatre, Richard Cromelin from the Wiltern Theatre and Geoff Boucher from Long Beach Arena.

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Los Angeles Times

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Grammys Find Sales in a Funk

Music: Industry's awards show arrives with a lack of new stars and a bleak outlook for CDs.

By GEOFF BOUCHER

TIMES STAFF WRITER

Showtime presents "10,000 Black Men Named George," starring Andre Braugher as early civil rights leader A. Philip Randolph, who helped organize the Pullman train car porters into the first black

The Brotherhood
Express

TV TIMES

Rules of the Road
A spring fashion issue looks at car couture—how autos allow Angelenos to defy dress codes. Also, Michael Michele, Angelyne and more...
Page 13

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'Where are this generation's Bruce Springsteen, Bob Dylan, Joni Mitchell, the Beatles—who are they today?'

David Geffen, recording executive

MUSIC: Industry Not in Party Spirit as It Prepares for Grammy Awards

Continued from A1

the industry's corporate ships.

In the short term, the industry is obsessed by a lack of star power. "There's nervousness right now because we haven't seen a new crop of stars like we've been having over the last couple of years," said Tom Calderone, MTV senior vice president for music. "Whether it was Fred Durst (of Limp Bizkit) or Kid Rock or Britney Spears or 'N Sync, we had wall-to-wall stars for a while. . . . There are a lot of great songs out right now, but we went from superstars to a group of potential superstars."

Why did music sales drop last year for the first time since the mass introduction of the CD? A range of industry leaders pointed to the cooling of the youth pop sensation, the absence of new releases by mega-sellers such as Celine Dion and Garth Brooks and the spread of the Internet downloading culture.

Even the most optimistic among those interviewed, Clive Davis, who shaped the recent successes of Carlos Santana and Alicia Keys, agreed that the technological issues are worrisome. But Davis, who now heads J Records, says the other problems are not so different from those that have always cropped up in the industry's peculiar and bruising playground.

"It's not a grim time for music.

There's not a question if music is as vital in people's lives as much as it has ever been or more so. . . . These other things are challenges," he said.

Davis will have a reminder of another of those challenges Tuesday night, when he hosts his famous Grammy week party at the Beverly Hills Hotel. The event's usual monopoly of star wattage will be challenged by four local benefit concerts the same night. Those shows feature such big names as the Eagles, Sheryl Crow and No Doubt, and their goal is to raise money for a political battle against what they call the industry's unfair contracts.

Artists' Campaign Seen Hurting Business

The Recording Artists Coalition hopes to secure stronger copyright protection and free agency status for performers. "I don't understand these people," said Lyor Cohen, president and chief executive of Island/Def Jam Music Group. "I think it's very selfish. They are going to hurt art and cause a further contraction in the business."

The timing of that campaign has darkened moods at record companies. "Prozac, the whole industry should be on Prozac right now," said Arnold Stiefel, longtime man-

ager for Rod Stewart.

The overall financial woes have a famous face as a symbol: Mariah Carey, who was jettisoned last month from the roster of the EMI Group after recording just one album on the label. No major music company had ever abandoned a superstar pact so quickly, but Carey's album was a major flop, and corporate pressures within EMI have mounted.

The music business is not the only entertainment sector limping through a weak economy, but, unlike Hollywood, it has not had recent blockbusters akin to "Shrek" or "Harry Potter and the Sorcerer's Stone." The music funk may be peaking now, but it began in earnest a decade ago, when the consolidation trend among record labels began, according to Guerinet, who worked at the celebrated independent label A&M Records.

"When big companies swallow up other companies, they start looking at head counts and redundancies and things like that. . . . It really started being less fun," he said.

Guerinet said A&M tapped special artists and loyally fostered their careers. "You don't see a lot of that today; that doesn't really exist." But Guerinet does not count himself among the pessimists. His artists—Offspring, Beck and No

Doubt—are among the most vocal in the artist rights push, and he is a strong proponent of embracing new technologies.

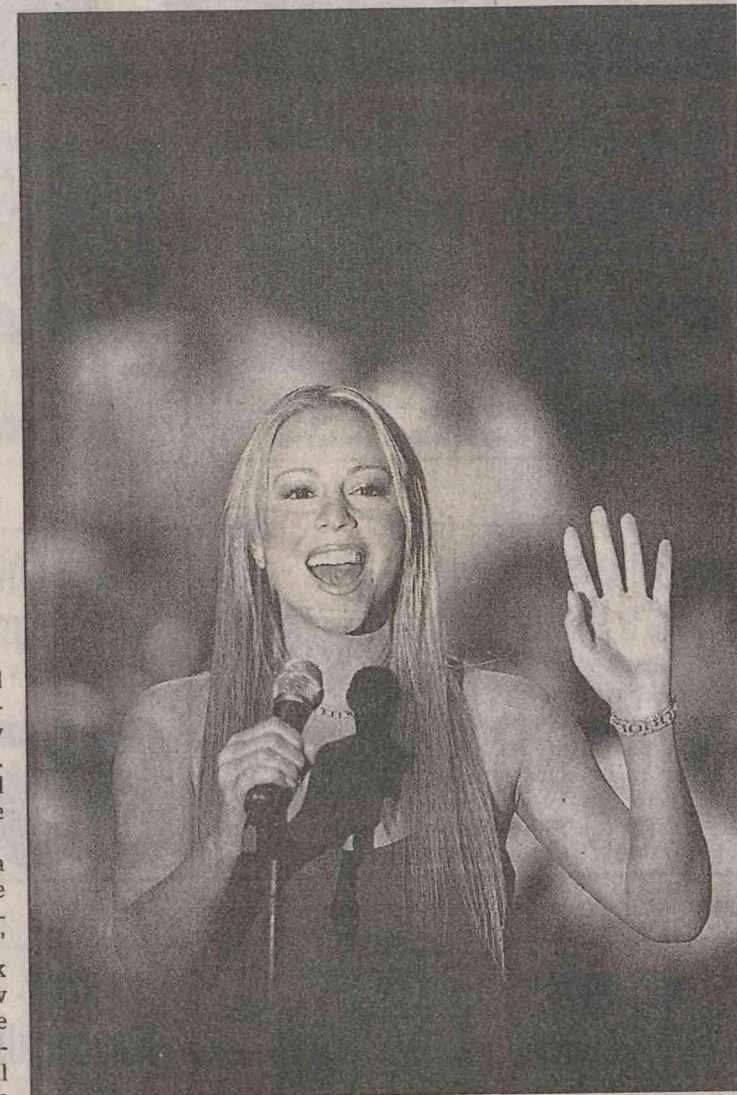
"For those protecting and guarding the status quo, it's probably a very frustrating and difficult time because of this perfect storm, this triumvirate of problems," Guerinet said. "But the best people out there are going to turn it into great opportunity. It's not the end of the world; it's a challenge to change."

Comparisons to Europe at Dawn of WWII

A less optimistic view is offered by Miles A. Copeland III, the former manager for Sting who now heads Ark-21, a world music label. He said disaster may loom and compares the situation to Europe before World War II.

"This has been the year where a lot of problems have come to the point where people are commenting on it, but we're still in 1938," Copeland said. "Somehow we think it's all going to go away. We know 'Mein Kampf' is there, but we're afraid to read it. We know the Germans are building up, but we're still thinking somehow that things are going to be OK."

Copeland says many of the top executives at the five major music conglomerates (Vivendi Universal,



JED JACOBSON / Getty Images

Mariah Carey has become a poster girl for industry woes, having been dumped by EMI Group after just one album, which flopped.

AOL Time Warner, Sony, Bertelsmann and EMI) are shaken but publicly reticent.

"The digital revolution with the

is afraid to say anything because if they say what they think, it might affect the share value of these public corporations. Can you imagine if

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MUSIC: Struggling With Success in Bottom-Line Industry

Continued from A22

relenting focus on corporate and technological topics distracts from problems even harder to address: the quality of today's music and artist career-building.

"At the end of the day the biggest challenge to the record industry is the quality of the music, which has been deteriorating," said Geffen, a founder of DreamWorks SKG. "There is some great music—there is in every period of time. But there was more great music prior to this period of time. I think the era of the great songwriter and the great song seems to be something more of the past than of the present."

Looking for Today's Bruce Springsteen

DreamWorks Records has a number of critically acclaimed songwriters, including Elliott Smith and Rufus Wainwright, on its roster, but so far they remain commercial afterthoughts. Geffen looks around and sees few other companies faring much better. He asked: "Where are this generation's Bruce Springsteen, Bob Dylan, Joni Mitchell, the Beatles—who are they today?"

Slater was both manager and record producer for younger artists such as the Wallflowers, Macy Gray and Fiona Apple before taking the reins at Capitol last year, and he has a more upbeat view of



'It's not a grim time for music.'

Clive Davis, recording mogul

today's talent. He worries, though, that after a decade of consolidation and bottom-line emphasis, music companies now strip-mine young careers. If the industry can regain the patience to foster young artists, Slater says, the other problems will fall away.

"There used to be a thing in the business we talked about: 'This art-

ist is making a great third album,'" Slater said. "It's the third record where Bruce Springsteen is going to break, it's the third record where Tom Petty is going to do the 'Damn the Torpedoes' or R.E.M. or Prince is going to make *that* record. Can you remember the last artist we [the industry] were patient enough to even have get to a third record?"

It becomes a one-act show."

Production and promotion costs are rising (executives say a high-profile album now may fail to yield a profit if it cannot crack 1 million in sales, a lofty total) even as the parent corporations of the big music conglomerates cut costs in the face of an uncertain economy. Sales of music declined 3% in 2001,

which sounds like a modest dip, but it marked the first decrease since SoundScan introduced a credible sales tracking system to the industry in 1991. And, in an intriguing statistic, unit sales of prerecorded albums (762.8 million albums) trailed considerably the sales of recordable CDs (1 billion units).

'They're All Freaked Out'

A closer look at the music album sales of 2001 shows that the vital sales of blockbuster releases were well off too. In 2000, seven albums sold more than 5 million copies (and Eminem's smash "The Marshall Mathers LP" nearly lapped that impressive total with 9 mil-

lion), but in 2001 no album managed to crack that threshold.

All of that makes the view from the rear of the limo seem a bit bleak on Grammy night. Some of the more iconoclastic figures in the business, though, are thrilled to be living in interesting times. Cohen, the colorful Israeli-born president of the Island/Def Jam group, says he's having an "enormous amount of fun" and is sick of the gloom and doom from his peers.

"They're all freaked out. I'm a mama's boy, and my mother always said, 'Stop kvetching.' All these gloomy people. They should take a chill pill. OK, so there's some problems. So? Let's break some new artists. Let's have some fun."

ORANGE COUNTY EDITION

Los Angeles Times

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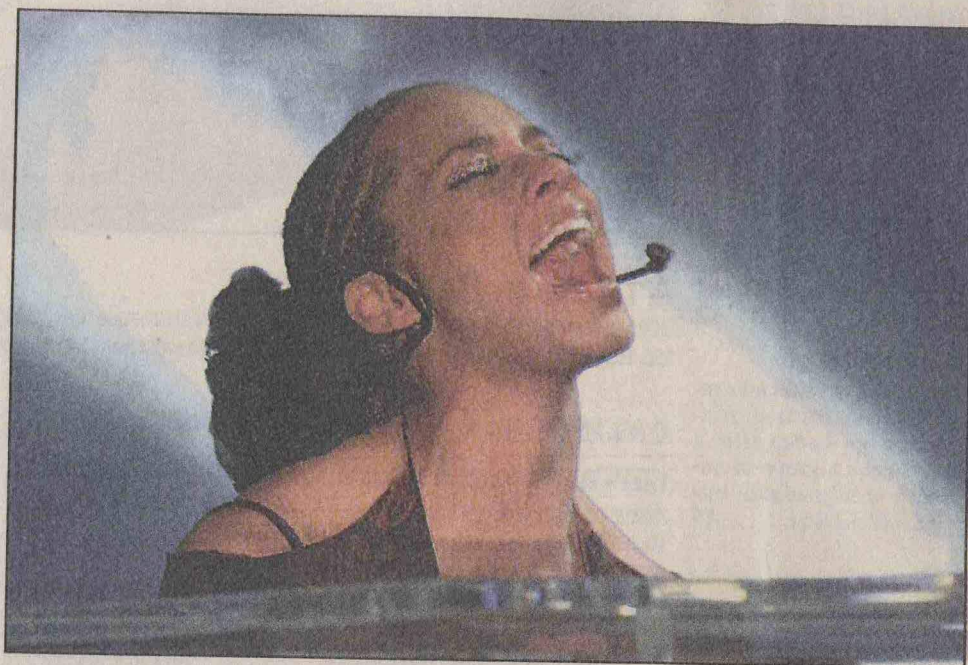
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THE GRAMMY AWARDS



BEST NEW ARTIST

Alicia Keys, above, performing at the Grammy Awards

RECORD OF THE YEAR

"Walk On," U2

ALBUM OF THE YEAR

"O Brother, Where Art Thou?," various artists

SONG OF THE YEAR

"Fallin'," Alicia Keys

COVERAGE OF THE CEREMONY BEGINS ON A12.

Two Brave Hearts Travel to Music's Highlands

A pair of nominees from the BBC Scottish Symphony Orchestra have a fling at near-celebrity.

By CHRISTOPHER REYNOLDS
TIMES STAFF WRITER

Long before they reached Section 101, Row 8 of Staples Center on Wednesday afternoon, Grammy nominees Alistair Beattie and Barry Deacon realized they faced certain disadvantages in their quest for glory. Their band could offer no wicked backbeat, for instance, and there were no drop-dead beautiful bodies on their videos. There had been no promotional campaign to speak of, and for that matter, precious few actual record sales.

Beattie and Deacon did, however, have kilts. Also fine Glaswegian accents, a modest tale about a Bruckner symphony, and unassailable celebrity connections.

"Madonna's husband went to the same hairdresser as me, just before their wedding," Deacon explained soon after his arrival in Los Angeles on Monday. "And my mum is related to Lee Trevino's caddie. Willie Aitchison."

Beattie, 57, is a viola player and Deacon, 36, a clarinetist in the BBC Scottish Symphony Orchestra. This year, their orchestra, under conductor Osmo Vanska, was among four nominated in Grammy Category 90—best orchestral performance.

This was one of those many prizes awarded in midafternoon on Grammy day, well before the prime-time broadcast. But the Scottish Symphony had never been nominated before, and to seize the moment the BBC approved certain expenditures.

And so across the pond flew the clarinetist and viola player, selected by their 68 peers and joined by orchestra director Hugh Macdonald and a BBC publicist. (Vanska was unavailable.)

Please see SCOTS, A14

THE GRAMMY AWARDS

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SCOTS: Nominees Get an L.A. Experience

Continued from A1

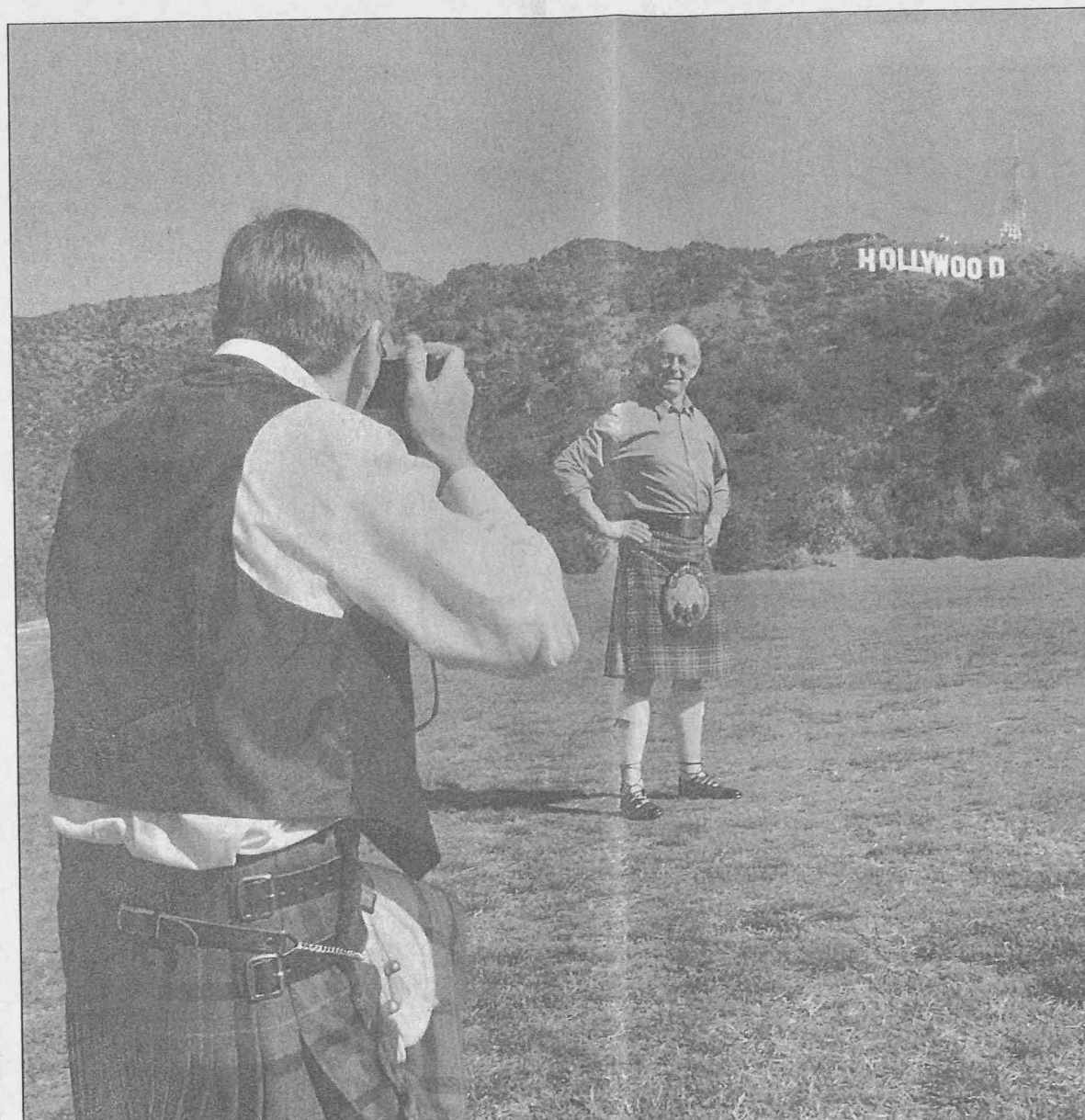
On this side, they found clear skies, wobbly logistics and fickle media persons. Clearly, the Scots stood among the Grammy proletariat, far removed from the glitziest headliners, but far from alone. The program included 101 categories, from best polka album to best spoken word album for children, with five nominees in most categories.

At least to begin with, the Scots took it all in stride, unfazed by pop music machinery, the celebrity scene, even the cost of admission. In the wake of confusion among the Grammy organization, their record label and the orchestra, the BBC had to pay for the musicians to get into the awards ceremony. Choosing some of the costliest seats on the chance that they'd need to approach the podium, they paid \$800 per man.

A Grammy Fishbowl, an L.A. Melting Pot

True, they were a bit shaken the first two times that mix-ups kept them separated from those tickets. And in their category, they knew the competition was stiff: the mighty Berlin Philharmonic (nominated twice, for one recording under Claudio Abbado and another under Kent Nagano), the esteemed Chicago Symphony Orchestra (under Pierre Boulez) and the estimable if less widely celebrated Bournemouth Symphony Orchestra (under José Serebrier). But they had a mission, and as surely as the Firth of Forth is wet and bisected by a bridge, they aimed to complete it. Arriving on Monday night and due to leave today, they had less than 72 hours to swim bravely in the strange fishbowl that is the Grammys.

On Monday night as movers and



By lunchtime Tuesday, when record industry insiders were gathering at the Regent Beverly Wilshire Hotel to hear a keynote address by Jack Valenti of the Motion Picture Assn. of America, the Scots were at the Getty Center, marveling at Van Gogh, Turner, Monet and Manet and dealing further with the kilt effect.

"OK," said a female docent as they passed a fountain area, "so are you really from Scotland or was this a bet?"

Then as they took in the balcony view of the Pacific, a grinning African American man, at least 6-foot-6, stepped up to introduce himself.

"I'm a McPhaul from Detroit," he began. "And we're long-distance cousins."

Then Kenneth J. McPhaul Jr.—a jazz fan from Detroit who was also visiting town for the Grammys—explained that after winning their freedom in the 19th century, his ancestors were taken in by a Scottish American family named McPhaul and took on that family name.

The museum, the view, the great American melting-pot moment—the Scots were wide-eyed. Even when the publicist broke news that the radio and television interviews had fallen through, even when their office visit to pick up their Grammy tickets proved unproductive, the momentum seemed clear. The awards were now less than 24 hours away.

Then came tea and shortbread with British Consul General Peter Hunt, an evening Grammy nominees party at the California Science Center in Exposition Park, a brief radio interview for "Good Morning, Scotland."

The Science Center gathering was not the evening's prime party: Clive Davis, head of J Records, was hosting that at the Beverly Hills Hotel. But this wasn't a bad consolation. As lights

bravely in the strange fishbowl that is the Grammys.

On Monday night, as movers and shakers gathered at the Century Plaza Hotel for a tribute to Billy Joel, Beattie and Deacon, cleared customs, grabbed pasta at their hotel restaurant and slept.

The next day, daunted by limousine prices, publicist Lyn McNicol hired the group a taxi for the day, giving driver Asefa Pekade, formerly of Ethiopia, a 10-hour fare of \$300, plus tip. The first stop: publicity photos, in kilts, at a park in front of the Hollywood sign. Then, maybe a radio station, a TV interview, a photo op with fellow Scot Rod Stewart.

"Your kilts are in shadow," warned the photographer, hired the day before to transmit images back to newspapers in Scotland.

"Do something sort of Scottish," counseled the publicist.

This mostly involved flinging hands skyward and careful kilt management. Each of their kilts—typically worn for weddings and other formal occasions—carried a different clan tartan pattern. Deacon's, borrowed from a friend, was green, blue and red; Beattie's had yellow as well. In addition, each wore a sporran—a small, fur-lined quasi-wallet that hung at waist level. They posed for the photographer and for each other and then, having come from a territory of 200 rainy days a year, gazed a bit more at the sun-splashed Hollywood Hills.

Beattie and Deacon had not just fallen off the haggis truck. In fact, the Scottish orchestra has won two Gramophone Awards—London-based prizes that carry more clout than any others in classical music—in the last decade and was nominated last week for a Royal Philharmonic Society Music Award as the United Kingdom's orchestra of the year. Since November 2000, the orchestra's touring schedule has included performances in Shanghai, Beijing, Taipei, Boston, Philadelphia and Zanesville, Ohio.

"I can honestly say that we'll never forget Zanesville, Ohio," said Beattie, and Deacon nodded immediately, leaving the details unclear.

The two made a complementary



BRIAN WALSKI / Los Angeles Times

Barry Deacon, left, a clarinet player with the BBC Scottish Symphony Orchestra, photographs viola player Alistair Beattie and a famous landmark. Their orchestra was nominated for a recording of Bruckner's Third Symphony.



KEN HIVELEY / Los Angeles Times

Orchestra director Hugh Macdonald, left, joins musicians Deacon, center, and Beattie at Staples Center for Wednesday's Grammy Awards ceremony.

couple. Beattie, tall and senatorial, has been in the orchestra since 1970. Deacon, who joined the orchestra in 2000, sported Bart Simpson cufflinks and spoke with great confidence of how the kilt might help him sweet-talk Britney Spears.

"I've got the headline already," he said. "Britney's Highland Fling."

Beattie was under orders from his son to buy a certain model of trendy tennis shoes. Deacon hoped for a bit of

browsing in a big CD store.

The 70-member Scottish orchestra, led for the last five years by Finnish conductor Vanska, makes its performing home in Glasgow City Hall, and it is known for its broad repertoire. The Grammy nomination was for the orchestra's recording of Anton Bruckner's Symphony No. 3 in D minor on London-based Hyperion Records.

That symphony, written by the Austrian composer in the 1870s as an *hom-*



BRIAN WALSKI / Los Angeles Times

Deacon adjusts his traditional attire as he dresses for the Grammys.

mage to Wagner, is full of exposed moments for individual instrumentals—no orchestral stroll in the park.

Estimated sales of the recording? Probably more than 5,000, said Macdonald, the orchestra director, and probably fewer than 15,000. Though the number seems small by pop standards, Macdonald added, he takes them as encouraging at a time when many record companies are reducing their commitment to classical music.

The Science Center gathering was not the evening's prime party: Clive Davis, head of J Records, was hosting that at the Beverly Hills Hotel. But this wasn't a bad consolation. As lights danced on the museum walls, a waitress sidled up to Deacon with a variation on the usual kilt question:

"Briefs or boxers?" she asked

"Neither," he answered.

But too soon she was gone.

Finally, Time for the Trip Along the Red Carpet

In the end, the Scots didn't lay hands on their Grammy tickets until the morning of the ceremony, and to do so, they had to drive back out to the recording academy office in Santa Monica and stand in line for nearly an hour. On the way back, they stopped to drop off a CD at a local classical radio station.

Then suddenly the Grammy hour was nigh, and the Scots were donning their kilts again, tucking binoculars into their sporrans.

"Tie all right?" asked Beattie, inspecting himself.

"Should I have brought pants?" asked Deacon. "In case I'm searched?"

They caught a taxi to the arena, then had to abandon it, while those who came in limos with security clearance passed by. They walked the last block, then stepped up to the red carpet, with an encouraging pause for a TV interview. Then into the hall.

They entered, they sat, they waited. And about half an hour into the program, the presenters delivered the verdict.

Chicago. The Chicago Symphony Orchestra, playing Varese under the baton of Boulez, won the best orchestral performance Grammy.

The Scots took a breath, made a phone call to alert their publicist, then stepped away from their seats for a bit to stretch their legs. For the next five hours, sure as Braveheart was born in Renfrewshire, other people would be winning prizes.

Still, after that would be the post-awards party, and a little time for shopping in the morning—and that photo op with Rod Stewart, it wasn't entirely out of the question yet.

Preservation Copy

THE GRAMMY AWARDS

Preservation Copy

What They Said Onstage

'Being Irish, if you get eight nominations and got no awards, they wouldn't let you back in the country. So this a public safety issue.'

Bono

After U2 won the first of its four Grammys

'I'd like to dedicate this to just thinking outside the box and not being afraid of who you are no matter what you do.'

Alicia Keys

In accepting the award for R&B album

'Good luck getting those through

GENERAL CATEGORIES

Record of the Year: "Walk On," U2 (Brian Eno and Daniel Lanois, producers; Steve Lillywhite and Richard Rainey, engineers/mixers).

Album of the Year: "O Brother, Where Art Thou?—Soundtrack," various artists (T Bone Burnett, producer; Mike Pier-sante, engineer/mixer).

Song of the Year: "Fallin'," Alicia Keys (Alicia Keys, artist).

Best New Artist: Alicia Keys.

POP

Female Vocal: "I'm Like a Bird," Nelly Furtado.

Male Vocal: "Don't Let Me Be Lonely Tonight," James Taylor.

Duo or Group Vocal: "Stuck in a Moment You Can't Get Out Of," U2.

Collaboration With Vocals: "Lady Marmalade," Christina Aguilera, Lil' Kim, Mya and Pink.

Instrumental Performance: "Reptile," Eric Clapton.

Dance Recording: "All for You," Janet Jackson.

Instrumental Album: "No Substitutions—Live in Osaka," Larry Carlton and Steve Lukather.

Vocal Album: "Lovers Rock," Sade.

Traditional Vocal Album: "Songs I Heard," Harry Connick Jr.

ROCK

Female Vocal Performance: "Get Right With God," Lucinda Wil-

The Complete List of Winners



RICHARD HARTOG / Los Angeles Times

Alicia Keys holds her haul of Grammy Awards.

R & B

Keys Has That Winning Combo

Alicia Keys' trifecta in the best song, album and female vocal categories is a heartening referendum on the year's neoclassical urban music

and Pat Enright (the Soggy Bottom Boys).

Instrumental Performance: "Foggy Mountain Breakdown," Earl Scruggs, Glen Duncan, Randy Scruggs, Steve Martin, Vince Gill, Marty Stuart, Gary Scruggs, Albert Lee, Paul Shaffer, Jerry Douglas and Leon Russell.

Song: "The Lucky One." Robert

REGGAE

Album: "Halfway Tree," Damian Marley.

WORLD MUSIC

Album: "Full Circle/Carnegie Hall 2000," Ravi Shankar.

POLKA

Album: "Gone Polka," Jimmy Sturr.

CHILDREN'S

Musical Album: "Elmo and the Orchestra," Ed Mitchell (producer).

Spoken Word Album: "Mama Don't Allow," Tom Chapin

SPOKEN WORD

Album: "Q: The Autobiography of Quincy Jones," Quincy Jones

Comedy Album: "Napalm and Silly Putty," George Carlin

COMPOSING, ARRANGING

Instrumental Composition: "Cast Away" (end credits), Alan Silvestri.

Instrumental Arrangement: Claude Debussy, "Doctor Gradus ad Parnassum," Bela Fleck and Edgar Meyer (Bela Fleck with Joshua Bell and Gary Hoffmann, artists).

Instrumental Arrangement Accompanying Vocalists: "Drops of Jupiter," Paul Buckmaster (Train, artist).

HISTORICAL

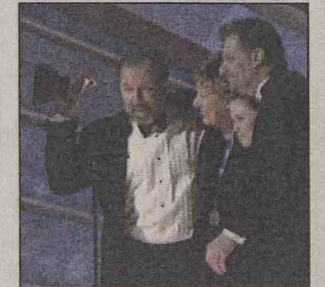
Album: "Lady Day: The Complete Billie Holiday on Columbia 1933-1944," Michael Brooks

Producer of the Year, Non-Classical: T Bone Burnett.

Remixed Recording, Non-Classical: "Thank You (Deep Dish Vocal Remix)," Deep Dish (Dido, artist)

Engineered Album, Classical: Bernstein: "West Side Story Suite," Richard King (Joshua Bell, artist).

CLASSICAL



KEN HIVELEY / Los Angeles Times

The Angeles String Quartet wins for its Haydn set.

Score Some for the Little Guys

Classical music may be big business, but individual gumption had a role in this year's classical Grammys. A live concert performance of Berlioz's spectacular opera "Les Troyens," released by the London Symphony Orchestra on its own budget label, has trumped the major labels by taking home the best classical and best opera

'Good luck getting those through airport security.'

Jon Stewart

Grammy host, referring to Alicia Keys' multiple trophies

'Many artists, including the newer ones here tonight... are in immediate danger of being marginalized out of business.'

Michael Greene

National Academy of Recording Arts & Sciences president, on Internet music piracy

'Woooooooooo!'

Nelly Furtado

Accepting her Grammy for female pop vocal performance

'I just wanted to get the free Grammy bag, so they gave me a line.'

Pamela Anderson

Awards presenter



ROCK

Female Vocal Performance: "Get Right With God," Lucinda Williams.

Male Vocal Performance: "Dig In," Lenny Kravitz.

Duo or Group Performance: "Elevation," U2.

Hard Performance: "Crawling," Linkin Park.

Metal Performance: "Schism," Tool.

Instrumental Performance: "Dirty Mind," Jeff Beck.

Song: "Drops of Jupiter," Charlie Colin, Rob Hotchkiss, Pat Monahan, Jimmy Stafford and Scott Underwood (Train, artist).

Album: "All That You Can't Leave Behind," U2.

RAP



KEN HIVELY / Los Angeles Times

Eve, who teamed with Gwen Stefani, gets award.

Voters Have Winner in 'Mind'

For once, the Grammys got it right on the first try. Eve and Gwen Stefani's victory for "Let Me Blow Ya Mind" for rap/sung collaboration signals a strong start for this new category. The sexy record, co-produced by Dr. Dre, is a powerful statement for hip-hop itself, demonstrating how the music incorporates elements from other genres. In this case Stefani's

best song, album and female vocal categories is a heartening referendum on the year's neoclassical urban music trend, which was spearheaded by this singer-pianist. Though it has to be one of the evening's least surprising developments, Keys' Grammy mother lode represents perhaps the most pleasing convergence of quality and record sales that the academy has achieved for the last few years.

Marc Weingarten

ants, artist)

Female Vocal Performance: "Fallin'," Alicia Keys.

Male Vocal Performance: "U Remind Me," Usher.

Duo or Group With Vocal: "Survivor," Destiny's Child.

Song: "Fallin'," Alicia Keys (Alicia Keys, artist).

Album: "Songs in A Minor," Alicia Keys.

Traditional Vocal Album: "At Last," Gladys Knight.

PACKAGE

Recording Package: "Amnesiac" (Special Limited Edition), Stanley Donwood and Tchoccy.

Boxed Recording Package: "Brain in a Box—The Science Fiction Collection," Hugh Brown and Steve Vance.

Album Notes: (Tie) "Richard Pryor ... And It's Deep Too! The Complete Warner Bros. Recordings (1968-1992)," Walter Mosley; "Arhoolie Records 40th Anniversary Collection: 1960-2000 The Journey of Chris

COUNTRY



Scruggs, Albert Lee, Paul Shaffer, Jerry Douglas and Leon Russell.

Song: "The Lucky One," Robert Lee Castleman (Alison Krauss & Union Station, artists).

Album: "Timeless—Hank Williams Tribute," various artists, Luke Lewis, Mary Martin, Bonnie Garner, producers.

Bluegrass Album: "New Favorite," Alison Krauss & Union Station.

NEW AGE

Album: "A Day Without Rain," Enya.

LATIN

Big Names Ace the Lesser-Known

The big problem in this year's Latin categories was most glaring in rock/alternative, where L.A. favorite Ozomatli won over a stellar field that included acclaimed albums by Juanes and Aterciopelados. Ozomatli, the only U.S.-based entry, was arguably the weakest choice in this competitive category. Conclusion: Name recognition won out over musical merit, a trend that also leveraged wins by Freddy Fender and Robert Blades, Ruben's lesser-known brother.

Agustin Gurza

Pop Album: "La Musica de Baldeamar Huerta," Freddy Fender

Rock/Alternative Album: "Embrace the Chaos," Ozomatli.

Traditional Tropical Latin Album: "Dejame Entrar," Carlos Vives.

Salsa Album: "Encore," Robert Blades.

Merengue Album: "Yo Por Ti," Olga Tanon.

Mexican/Mexican-American Album: "En Vivo ... El Hombre y Su Musica," Ramon Ayala y Sus Bravos del Norte.

Tejano Album: "Nadie Como Tu," Solido.

HISTORICAL

Album: "Lady Day: The Complete Billie Holiday on Columbia 1933-1944," Michael Brooks and Michael Cuscuna, compilation producers (Matt Cavaluzzo, Harry Coster, Seth Foster, Darcy Proper, Ken Robertson and Mark Wilder, mastering engineers).

JAZZ



RICHARD HARTOG / L.A. Times

Charlie Haden ("Nocturne") wins for Latin jazz album.

Experience Pays Off Again

There are no surprises in the category this year. The tendency to honor established artists is best illustrated in the award to Sonny Rollins for his album "This Is What I Do." Although it is hardly the best work of his career, the CD provides an opportunity to honor one of the art's great, legendary figures.

But the most musically deserving award went to Charlie Haden for "Nocturne" (in the Latin jazz category), an album in which gorgeous solos by David Sanchez and Gonzalo Rubalcaba have been blended into a subtle, engaging blend of jazz and Latin song.

Don Heckman

Contemporary Album: "M2," Marcus Miller.

Vocal Album: "The Calling," Di-

chestra on its own budget label, has trumped the major labels by taking home the best classical and best opera gold. As chamber music winners for its 21-CD Haydn set, the locally based Angeles String Quartet will go out with a bang when it disbands this spring.

Mark Swed

Producer of the Year, Classical: Manfred Eicher.

Album: Berlioz: "Les Troyens," Colin Davis, Michelle De Young, Ben Heppner, Petra Lang, Peter Mattei, Stephen Milling, Sara Mingardo, Kenneth Tarver, London Symphony Orchestra; James Malinson, producer.

Orchestral Performance: "Boulez Conducts Varese," Pierre Boulez, Chicago Symphony Orchestra.

Opera Recording: Berlioz: "Les Troyens," Colin Davis, Michelle De Young, Ben Heppner, Petra Lang, Peter Mattei, Stephen Milling, Sara Mingardo, Kenneth Tarver, London Symphony Orchestra, James Malinson (producer).

Choral Performance: Bach: "St. Matthew Passion," Nikolaus Harnoncourt, Norbert Balatsch, Erwin Ortner.

Instrumental Soloist(s) Performance With Orchestra: Strauss Wind Concertos, Daniel Barenboim, Dale Clevenger, Larry Combs, Alex Klein, David McGill.

Instrumental Soloist Performance Without Orchestra: Britten Cello Suites (1-3), Truls Mork.

Chamber Music Performance: Haydn: The Complete String Quartets, Angeles String Quartet.

Small Ensemble Performance With or Without Conductor: "After Mozart," Gidon Kremer, Kremerata Baltica.

Classical Vocal Performance: "Dreams and Fables: Gluck Italian Arias," Cecilia Bartoli.

Classical Contemporary Compositions: Concert de Gaudi for Guitar and Orchestra, Christopher Rouse.

Classical Crossover Album: "Per-

bug, so they gave me a line.'

Pamela Anderson

Awards presenter



KEN HIVELEY / Los Angeles Times

Jon Stewart came up with a strip-search gag to joke about the tight security.

'Remember when security was tight because Eminem was going to sing with Elton John? Those were the days, right?'

Jon Stewart

got it right on the first try. Eve and Gwen Stefani's victory for "Let Me Blow Ya Mind" for rap/sung collaboration signals a strong start for this new category. The sexy record, co-produced by Dr. Dre, is a powerful statement for hip-hop itself, demonstrating how the music incorporates elements from other genres—in this case Stefani's pop-punk vocals—and makes them its own.

Soren Baker

Solo Performance: "Get Ur Freak On," Missy "Misdemeanor" Elliott.

Performance by a Duo or Group: "Ms. Jackson," OutKast.

Rap/Sung Collaboration: "Let Me Blow Ya Mind," Eve featuring Gwen Stefani

Album: "Stankonia," OutKast.

ALTERNATIVE

Album: "Parachutes," Coldplay.

MUSICAL SHOW

Album: "The Producers," Hugh Fordin, producer (Mel Brooks, composer and lyricist).

TV/VISUAL MEDIA

Compilation Soundtrack Album for a Motion Picture, Television or Other Visual Media: "O Brother, Where Art Thou?," T Bone Burnett, producer.

Score Soundtrack Album for a Motion Picture, Television or Other Visual Media: "Crouching Tiger, Hidden Dragon," Tan Dun.

Song Written for a Motion Picture, Television or Other Visual Media: "Boss of Me" (from "Malcolm in the Middle"), John Flansburgh and John Linnell, songwriters (They Might Be Gi-



RICHARD HARTOG / L.A. Times

"O Brother" producer T Bone Burnett triumphs.

'Timeless' Comes at the Right Time

Yea, brother!

The choice of "Timeless—Hank Williams Tribute" as country album of the year was by no means a lock. In other years voters would have overlooked this moving salute in favor of the bigger-selling "Set This Circus Down" by Tim McGraw. But the runaway success of the "O Brother, Where Art Thou?" soundtrack, fluke or not, has clearly made meatier stuff award-worthy once again.

Randy Lewis

Strachwitz, Elijah Wald.

Female Vocal Performance: "Shine," Dolly Parton.

Male Vocal Performance: "O Death," Ralph Stanley.

Duo or Group With Vocal: "The Lucky One," Alison Krauss & Union Station.

Collaboration With Vocals: "I Am a Man of Constant Sorrow," Dan Tyminski, Harley Allen

"Dejame Entrar," Carlos Vives.

Salsa Album: "Encore," Robert Blades.

Merengue Album: "Yo Por Ti," Olga Tanon.

Mexican/Mexican-American Album: "En Vivo... El Hombre y Su Musica," Ramon Ayala y Sus Bravos del Norte.

Tejano Album: "Nadie Como Tu," Solido.

GOSPEL

Rock Album: "Solo," DC Talk.

Pop/Contemporary Album: "CeCe Winans," CeCe Winans.

Southern, Country or Bluegrass Album: "Bill & Gloria Gaither Present a Billy Graham Music Homecoming," Bill and Gloria Gaither and the Homecoming Friends.

Traditional Soul Album: "Spirit of the Century," the Blind Boys of Alabama.

Contemporary Soul Album: "The Experience," Yolanda Adams.

Choir or Chorus Album: "Love Is Live!," LFT Church Choir, Hezekiah Walker, choir director.

BLUES

Traditional Album: "Do You Get the Blues?," Jimmie Vaughan.

Contemporary Album: "Nothing Personal," Delbert McClinton.

FOLK

Traditional Album: "Down From the Mountain," various artists, T Bone Burnett, producer.

Contemporary Album: "Love and Theft," Bob Dylan.

Native American Music Album: "Bless the People—Harmonized Peyote Songs," Verdell Primeaux and Johnny Mike.

album in which gorgeous solos by David Sanchez and Gonzalo Rubalcaba have been blended into a subtle, engaging blend of jazz and Latin song.

Don Heckman

Contemporary Album: "M2," Marcus Miller.

Vocal Album: "The Calling," Dianne Reeves.

Instrumental Solo: "Chan's Song," Michael Brecker.

Instrumental Album, Individual or Group: "This Is What I Do," Sonny Rollins.

Large Ensemble Album: "Homage to Count Basie," Bob Mintzer Big Band.

Latin Album: "Nocturne," Charlie Haden

PRODUCTION

Engineered Album, Non-Classical: "The Look of Love," Al Schmitt (Diana Krall, artist).



KEN HIVELEY / Los Angeles Times

Ozomatli wins for best Latin rock/alternative album.

THE GRAMMY AWARDS

Wealth Is Spread Around

Music: Newcomer Alicia Keys, Ireland's venerable U2 and roots-based songs of the Depression-era South earn multiple honors.

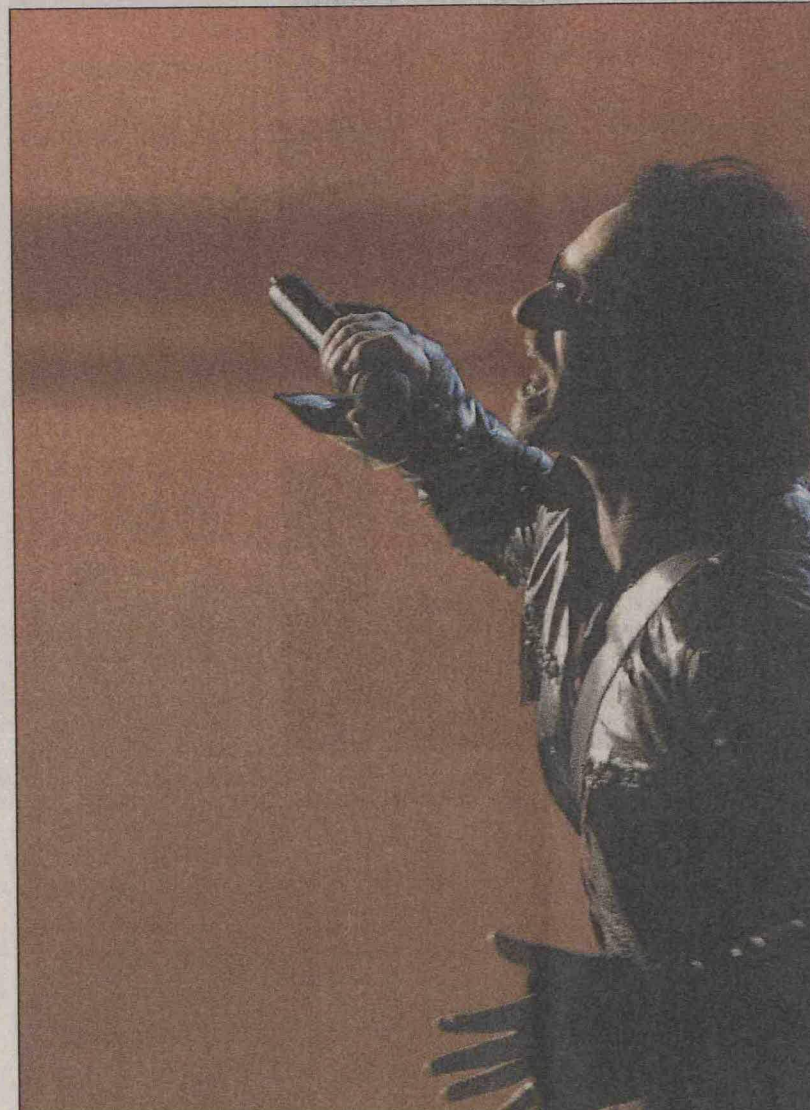
By GEOFF BOUCHER
TIMES STAFF WRITER

A soulful young chanteuse from New York City, a soundtrack that found musical riches buried in the Depression-era South and the rock band that has become Ireland's most famous pop export were the disparate characters who became the story line of the 44th Annual Grammy Awards on Wednesday.

Alicia Keys, the singer-songwriter and pianist, won five Grammys, including best new artist and song of the year for her soaring debut hit, "Fallin,'" while the soundtrack to "O Brother, Where Art Thou?" took the prized album of the year trophy for its survey of bluegrass, folk and blues that was itself a vivid role in the quirky film.

"O Brother" also helped propel singer and fiddler Alison Krauss into the Grammy history book right beside Keys. Both won five Grammys, tying Lauryn Hill's 2000 haul for most wins on a single Grammy night. Krauss got three of hers for her work on the soundtrack, the rest from her work with her band, Union Station.

Veteran rockers U2, meanwhile, walked away from the Staples Center gala with four Grammys, including the record of the year statue for "Walk On." These wins cap a revival for the band



casual fans it provided a concise tour of an exotic musical landscape, in much the same way as the hit 1997 album by the Buena Vista Social Club became a portal to traditional Cuban pop music.

"We are filled with gratitude not only that you have chosen to honor this work in this way, but also because we were afforded the chance to make it in the first place," Burnett said on stage. "And, for the great joy that making it was."

Still, "O Brother" has been shunned by the nation's country radio stations and Burnett encountered considerable resistance to the concept. "Everybody," he said, "thought I was insane."

While tradition-bound music is unwanted by country radio powers that prefer more pop-leaning fare, the music that looks to the past was celebrated with enthusiasm at the Grammys this year.

Among the examples: "Timeless," a tribute disc to Hank Williams featuring Bob Dylan, Lucinda Williams, Ryan Adams and others, won best country album, while "The Lucky One," by Krauss and Union Station, won best country song, although it was virtually ignored by mainstream country radio.

One of the awards for "O Brother" delivered the first Grammy ever to Ralph Stanley, an august figure in Appalachian music who won the award for best male country vocal for "O Death." Stanley's win came two days after he celebrated his 75th birthday. "I think," he said, "this is the best birthday I've ever had."

The Soggy Bottom Boys—whose song was memorably lip-synced by actor George Clooney in the film—took

What Happened Backstage

Like a Bolt From Out of the Bluegrass

Soundtrack producer T Bone Burnett said the biggest thrill of the "O Brother, Where Art Thou?" success was the recognition that has come to bluegrass veteran Ralph Stanley and an unexpected turn of events a week ago.

"The first song on the album is a work-gang song by James Carter and prisoners, recorded in 1952 at the Parchment Farm [prison] in Mississippi," Burnett said.

"Alan Lomax went down there and recorded these chain-gang hollers. When royalty checks came in, we started looking for this guy, James Carter. Last week, we found him [living in Chicago], and Friday night the Lomax people went by and gave him a check, gave him a platinum record. He'd never heard of the movie or the project."

A Hip-Hop Call for Artist Unity

Rapper Eve, winner of best rap/sung collaboration for her "Let Me Blow Ya Mind" with Gwen Stefani, lamented the absence of the hip-hop community from the Recording Artists Coalition campaign, a

three of hers for her work on the soundtrack, the rest from her work with her band, Union Station.

Veteran rockers U2, meanwhile, walked away from the Staples Center gala with four Grammys, including the record of the year statue for "Walk On." Those wins cap a revival for the band that has seen its return to the summit of the rock world with both a hit album and the top-grossing North American tour of 2001.

Accepting one award, lead singer Bono marveled that the quartet's friendships could "survive commerce, being broke, not being broke, some really lousy haircuts, the '80s" and later called his mates "a punk band hearing mad tunes in their head."

A more classical mind-set has informed the young career of Keys. She began playing piano at age 7, found an early fan's passion for Stevie Wonder and Marvin Gaye, and then became a devotee of hip-hop—a blend that is clear in her music. Her album, "Songs in A Minor," debuted at No. 1 on the pop charts last summer and she has been acclaimed by critics as a major new force in R&B.

"I'd like to dedicate this to just thinking outside the box and not being afraid of who you are no matter what you do," she told the audience.

Glitter coated Keys' eyelids Wednesday and seemed appropriate for a young woman with every reason to have stars in her eyes. Her rise took the suspense out of the best new artist race—there was little doubt in any quarter that she would not win—but her competition with U2 in song and record of the year (the former honors songwriting, the latter is for the best single track) made those categories especially intriguing contests. In the end they split.

It was the second year in a row that U2 won record of the year; "Beautiful Day," also from its "All That You Can't Leave Behind" album, took the prize



Photos by KEN HIVELEY / Los Angeles Times

U2, led by singer Bono, won four awards, including one for record of the year.



Soggy Bottom Boys, featuring Dan Tyminski, center, perform at awards show.

last year.

U2 was considered by many to also be a favorite in the best album competition, as was Bob Dylan, but in the end that Grammy went to "O Brother" in the night's biggest surprise.

The soundtrack to the Coen brothers film won five Grammys in all, including a best producer trophy for its chief architect, T Bone Burnett. The album was an unexpected commercial sensation of 2001—its 4 million copies sold

made it among the year's top releases. It also inspired a tour, "Down From the Mountain," that spawned a concert album that won in the category of best traditional folk album.

The "O Brother" soundtrack features such artists as Ralph Stanley, Emmylou Harris and Alison Krauss & Union Station, and creates the backdrop to the film's updating of Homer's "Odyssey" with a trio of hapless convicts on the loose in Southern backwoods. For many

Stanley's win came two days after he celebrated his 75th birthday. "I think," he said, "this is the best birthday I've ever had."

The Soggy Bottom Boys—whose song was memorably lip-synced by actor George Clooney in the film—took the award for best country collaboration with vocals for "I Am a Man of Constant Sorrow." While Stanley was new to Grammy ranks, others extended their lengthy relationship with the gramophone-shaped trophy. Conductor Pierre Boulez won his 24th career Grammy, moving him to No. 4 on the all-time list of winners, while producer Quincy Jones won his 27th Grammy (in the unexpected category of best spoken word album for a recording of his autobiography) and now trails only by four the all-time leader in Grammy wins, Sir Georg Solti.

In the category of disappointment, India.Arie was the name of the night. The neo-soul singer was nominated for seven albums, including album, song and record of the year, but was shut out. The wounds will be salved, though, by memories of her breakout year with the debut album "Acoustic Soul."

The awards show brought the usual glut of limousines and media hordes to the downtown arena that became its West Coast home in 2000, but amid the usual celebration there was a grim backbeat. The business is beset by challenges that range from slumping sales to new technologies that threaten to spread music piracy. There is also a revolt of sorts underway by artists pushing for legislation for seismic changes in business practices that favor the record labels. (See related coverage in Calendar Weekend.)

Recordings released between Oct. 1, 2000, and Sept. 30, 2001, were eligible for the 101 categories of the 44th Annual Grammy Awards. The recording academy has 13,000 voting members.

Rapper Eve, winner of best rap/sung collaboration for her "Let Me Blow Ya Mind" with Gwen Stefani, lamented the absence of the hip-hop community from the Recording Artists Coalition campaign, a new lobbying group created to give musicians a unified voice at the legislative table.

"Unfortunately the hip-hop community has not come together as the rock world has," she said. "Contracts are horrible, [though] I'm blessed. But it's not as fair as it could be. We are the artists, we do most of the work, and the record companies get everything."

Pledging Allegiance to the United States

Backstage after losing best album honors to "O Brother, Where Art Thou?," U2's Bono and the Edge declared great affection for soundtrack producer T Bone Burnett. Bono then went on to make an eloquent love declaration for the United States, continuing the role the band has had since the Sept. 11 terrorist attacks.

"I have to tell you, as outsiders, as guests of the nation, we've always loved coming here, but this year I've rediscovered my love for America—the great idea as opposed to just the great country. It is a great idea, worth defending, worth taking around the world."

O Radio, Where Art Thou?

In the pre-telecast portion of the show, a wave of wins for tradition-rooted country performances was the trend, with the "O Brother, Where Art Thou?" soundtrack and the related "Down From the Mountain" concert recording, the "Timeless" Hank Williams tribute collection, bluegrass veterans Ralph Stanley and Earl Scruggs and bluegrass-country star Alison Krauss all

ANALYSIS

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depth after the Sept. 11 attacks.

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It's Time to Nominate a New System

The Grammy voting process may have split support for critically acclaimed albums, giving 'O Brother' the edge.

By ROBERT HILBURN
TIMES STAFF WRITER

"O Brother"? Oh my goodness.

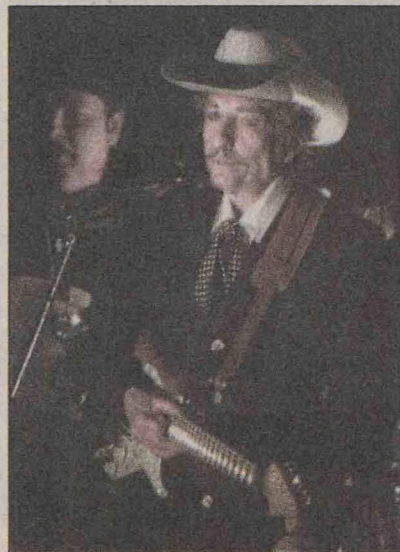
Let's raise a toast to the "O Brother, Where Art Thou?" soundtrack for its victory in the most prestigious Grammy category, album of the year—and then start figuring out how to make the Grammy voting process more credible.

It's easy to feel good when the character and passion of American country and roots music are celebrated with five Grammys, especially when commercial country music has relegated this vintage sound to the outhouse.

But "O Brother" wasn't the most distinguished album of the year. It wasn't even one of the three most compelling nominees in that category.

By most measures, Bob Dylan's "Love and Theft," U2's "All That You Can't Leave Behind" and OutKast's "Stankonia" were more substantial works.

In the Village Voice's annual poll of more than 500 U.S. pop music critics to name the best album of 2001, Dylan was the easy winner, with "O Brother" finishing No. 19. In the Voice poll for the best album of 2000, OutKast and U2 finished No. 1 and No. 7, respectively. (Albums from different years may compete in the same Grammys because the eligibility period runs from Oct. 1 to Sept. 30.)



KEN HIVELEY / Los Angeles Times

Bob Dylan's "Love and Theft" lost out in the best album category.

So how did "O Brother" beat three far more acclaimed albums?

One possibility is that the 13,000 Grammy voters, who are often far more conservative in their choices than critics, simply thought it was the strongest work.

But there is a second possibility—one that clouds the Grammy voting so consistently that the recording academy ought to consider changing its voting procedure.

Though I'd have voted for Dylan, U2 went into the competition the overwhelming favorite, thanks to the thoughtful, inspiring tone of its music, which took on added resonance and

depth after the Sept. 11 attacks.

The only way the album wouldn't win, pundits said, was if Dylan drew enough votes away from U2 for a long-shot—such as "O Brother"—to sneak in. And that is just what happened, one suspects.

Looking over previous Grammy contests, it's easy to see where strong albums may have drawn enough votes from each other to let a compromise choice win. In 1985, two of the great albums of the decade—Bruce Springsteen's "Born in the U.S.A." and Prince's "Purple Rain"—went head to head in the best album category, allowing Lionel Richie's far less memorable "Can't Slow Down" to get more votes.

Three years later, U2's deserving "The Joshua Tree" might have benefited from a voter split between two other commercial blockbusters, Prince's "Sign 'O' the Times" and Michael Jackson's "Bad."

And didn't Celine Dion's shallow "Falling Into You" win best album in 1997 only because progressive forces Beck, the Fugees and Smashing Pumpkins canceled out one another?

It may be that all of these albums would have won under any circumstances, but the chance of the voters' will being subverted leaves too much of a doubt over the voting system for it not to be addressed.

One solution is a weighted system. Instead of just voting for one artist, voters would list preferences one to five. The recording academy brain trust was smart enough in 1995 to put the final responsibility for choosing nominees in key categories in the hands of a special committee. The quality of nominees

has improved greatly since then, but the final balloting now needs to be addressed.

It was encouraging to see so many quality acts receive Grammys at Staples Center on Wednesday, including Dylan, Alicia Keys and U2, but a weighted system could do much to increase confidence in the integrity of the awards.

In addition, the academy ought to put a second item at the top of its Grammy telecast agenda.

Wednesday's show was a maddening mix of stirring performances by classy artists—from U2 and Dylan to Keys and OutKast to the "O Brother" ensemble—and tacky sidelights.

Emcee Jon Stewart's opening fell so flat—he stripped to his shorts as part of a skit involving heightened security precautions following Sept. 11—that he never recovered. After failing to regain his comedic edge, he seemed at the end to simply be going through the paces, eager for the final curtain.

Even worse was the usual award-show clutter of TV personalities and other celebrities who traded inane comments while presenting awards. This celebrity obsession is obviously designed to lure viewers, but there ought to be a way to include celebrities without insulting the intelligence of the audience.

How absurd it is to cut short speeches by the night's key winners—U2's Bono, Keys and "O Brother" producer T Bone Burnett—while they let actor Ray Romano run around Staples Center endlessly handing out door prizes to confused audience members.

Oh my goodness.

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performances was the trend, with the "O Brother, Where Art Thou?" soundtrack and the related "Down From the Mountain" concert recording, the "Timeless" Hank Williams tribute collection, bluegrass veterans Ralph Stanley and Earl Scruggs and bluegrass-country star Alison Krauss all scoring awards.

The winners noted that their success came despite country radio's indifference.

"There are a lot of different broadcast media now," said T Bone Burnett, who won producer of the year for his work on the "O Brother" album, as well as "Mountain" and "Fan Dance" by his wife, Sam Phillips. "Radio doesn't have the stranglehold it once had on the distribution of music."

Steve Hochman

More Coverage

Valli Herman-Cohen will report on the fashion scene at the Grammy Awards in Friday's Southern California Living section.

The section will also provide a roundup of the post-Grammy parties in City of Angles.

On the Web

Find Grammy night photographs, Calendar's complete coverage and reports from the parties at www.calendarlive.com/grammys.



Miss Cathleen Joan Cochran

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