

MUSIC BIZ'S CLEANUP CHANCE

Mammarella's Secret Success Saga: On 9 Disk Co. Payrolls for 'Advice'

Washington, May 3.

Anthony Mammarella, former "American Bandstand" producer, admitted receiving payments from nine record manufacturers and distributors. His January testimony held secret until today (Tues.) revealed. But Mammarella flatly denied that he received any money to have disks aired on the program. At the same time, he said he did not believe Dick Clark had any knowledge of the payments until he told him about them last November. Mammarella, who testified before the Harris subcommittee in closed session Jan. 27-28, resigned last Nov. 13 after ABC gave him a choice of quitting or giving up his outside music interests.

He admitted receiving payments from the following companies: Chess Records, Cosmat Distributing Co., Gotham Record Distributing Co., Barsky Distributors, David Rosen Co., Marnel Distributing Co., Duke Records, Future Records and Universal Distributing Co.

Payments from Chess totalled \$1,650 for 1957-58. Mammarella said he asked Chess to stop sending him checks in 1958 because he was "no longer performing any service or giving any advice" on records. Only other figure given was for Universal Distributing Co., which was listed as having paid Mammarella \$2,300.

Mammarella's music company holdings, some of which Clark held interest in too, were listed as follows: Swan Records, 22%; Wildcat Music, 50%; Anita Pressing, Startime Industries, 20%; Lawn Records, 25%; and Milton Kellern Music, 50%.

Mammarella, under questioning, admitted that Wildcat publishing firm often was given 50% of a song's copyright from another publisher in return for the promotion he could give it. He was half owner of Wildcat with Philadelphia publisher Milton Kellern.

He testified that Bernard Lowe, Philadelphia record maker (Cameo label) and songwriter, gave him one-third of the royalties on the recordings of "Butterfly" and "100 Ways." Although the songs were written by Lowe, Mammarella, under the pen name of "Anthony September," was listed as the author on the songs.

Mammarella at one time made
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Clark 'Excuses' Hit As Danger

Pittsburgh, May 3.

"If Dick Clark's legalistic excuses are accepted, it will open the flood gates of the greatest abuses the industry has ever seen."

This is how Mitch Miller, Columbia Records exec producer put his opinion on the congressional subcommittee's probe into payola. In the city as a guest of Kaufmann's Department Store to do a two-hour live radio show, Miller was feted at a luncheon by Jim Winston, Columbia distributor here.

Miller admitted the whole industry was at fault in the payola business but said that "while very few condoned the practice, its universal application in promotion almost made it seem honest."

At the luncheon, Nick Lomakin, Pitt dealer, said that the growing market in albums would make payola today unprofitable. He said that 80% of a dealer's business today is in albums with 20% of this percentage in classical packages. Payola, he said, was given for single records only where an immediate return could be seen. He also said that he feels that the big four, Columbia, RCA Victor, Decca and Capitol would soon control 90% of the business.

The small dealer is also doomed, said Lomakin, a small dealer, himself, because of the growing popularity of record clubs, discount houses and racks in supermarkets and drug stores.

MACHINERY READY TO WORK

By ABEL GREEN

The recording and music business is perhaps at the crossroads right now, and specifically in a dilemma, on the exploitation of the current crop of new pops. But also has its biggest opportunity in almost 40 years to "clean house." And the machinery to do it is just about as old. The only thing is that it has to be put to work.

The chiselers and the angles that wind through Tin Pan Alley, however, make it tougher than it sounds. And while it is true that the Music Publishers' Protective Assn., embracing the major music houses, was compelled to blind itself to its own self-regulation about cut-ins and payola, because of the competition, the way the Washington hearings are going on payola probing opens the road for an aggressive reeducation to sound business practices.

What is more, Uncle Sam has a much bigger stick to wave at the chiselers.

What the MPPA failed to do in policing the vaudeville theatres and the bandleaders, the Federal Communications Commission can certainly achieve, so far as the radio and television stations are concerned. Without the AM and TV channels as outlets for the platter pluggers, everybody is out of business so far as that phase of music exploitation is concerned.

Behind the probe is not just the smacking out at the Dick Clarks and the Alan Freed's. It is aimed at their bosses. And their bosses, the station owners—radio or video—must comply to ethical standards. Risking the FCC or Governmental frown is not worth anybody's fast-buck deejay, no matter how much chewing-gum he peddles or whatever influence on the kids he wields. Not to mention the openly stated threats, as expressed last week, about "interesting" the Internal Revenue Dept. in the ability to spread so much largesse—supposedly as "gifts"—without making sure (1) the donor can legitimately charge that off as a deductible "expense" or (2) the recipient's tax declaration on that sort of "gifting" has been fulfilled.

Old Hat

The protestations or proposals that a "czar" may regulate the music business, ala the film industry, baseball, etc., is eyewash. It's also old hat.

As the man said, "first came the words." In this case it's words-and-music. That's where the copyright owner has control, and so it can be made to remain.

The tail wagging the dog is what has produced the upbeat of payola, and with it the downgrading of moral, ethical and sound business standards. The publisher found himself at the mercy of the recording which, fundamentally, is but another by-product, the mechanical reproduction of the song.

Deejay Network

True, the network of disk jockey pluggers established the greatest "circuit" of exploitation. It was fine so long as it remained within bounds. Like the vaudeville singer or the bandleader who had a "wire," in the heyday of radio, he was "romanced" for plugs, as part of the aggressive exploitation technique. But even in those days the cut-ins (one-third or one-fourth copyright ownership as a "co-author") were setting the pattern for payola. There was also the flat fee-per-week payola to key plugs, but more likely the plugger-performance relations still hinged on golfing or social friendships. True, there was paying for "special arrangements" or "accepting" some pet song for publication, which called for a couple of hundred "advance royalty," but it never approached the latterday network of deejay conniving and plugola. Not to mention the chicanery within the recording studio and certain A&R men.

Now it is all very much in the open—and what an open airing! —the networks and independents

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Cleanup Chance

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alike have run to cover. Platter-chatterers mostly play what the station's librarian or program manager selects. The spotlight on the latter is too singly focused; no longer can a station profess not to know which one of its several disk jockeys "takes."

VARIETY recently spelled out anew the definition and etymology of payola. The lay press quoted it widely. The late Henry L. Mencken and G. & C. Merriam edition of Webster's Unabridged Dictionary have been widely quoted sources, both of them quoting VARIETY as the authority on payola; and this paper has indicated that the practice—and the very language—predates both Mencken and Merriam. So, too, does the existence of the music publishers' trade association which is in the best position to control the flow of its music into normal recording channels, as in former years. Whether or not this will result in a "good" crop of songs is for time to tell.