

# Elvis impersonators fight BMI on song ruling

NEW YORK

**T**HIS NATION'S army of Elvis imitators—now estimated at more than 600—is up in arms over an attempt to muster them out of service.

In February, Broadcast Music Inc. (BMI), a song-licensing organization, advised U.S. concert promoters that it would be considered a license infringement if any performer did more than three Elvis Presley songs in one show. BMI listed 150 songs in particular. Reactions from Elvis clones were immediate and outraged.

BMI, bewildered by

the response, attempted to clarify the issue. "We grant only performing rights, not dramatic rights," said BMI Senior Vice-President Theodora Zavin. "Dramatic rights belong to whoever

holds the copyright on a song [Elvis Presley Music and other publishing companies]. There's a great deal of confusion over what constitutes a dramatic presentation and what is simply a performance—it can be use of dialogue or scenery or costume." Elvis Presley Music considers performance

of more than three songs to constitute dramatic presentation.

Robert Osterberg, attorney for Elvis Presley Music and other publishing companies that instigated the song restriction through

BMI, said that "once you re-create Elvis onstage in any fashion, you're into dramatic content. We have asserted claims against Rick Saucedo [who has an Elvis show on Broadway] that remain unsatisfied. Our clients have instructed us to threaten lawsuits. We did that with

star. We filed suits against the others [unauthorized shows], and they immediately backed away." Saucedo's attorney, Clark Marcus, said he did not feel there was any legal basis for song restriction. "It looks like a smoke screen to me, but it probably is scaring a lot of people off."

Danny O'Day, manager of Dennis Wise, who recently emerged from plastic surgery looking a lot like Elvis, said that his plans for Wise's performance had not changed. "The Presley estate is trying to prohibit reproduction of his image. We're not doing a dramatic presentation. You try to prohibit image—that puts Rich Little and

Frank Gorshin out of business."

Most incensed was Chet Actis, manager of Alan Meyer, who's been doing an Elvis "tribute" for four years. "We'll challenge it," said Actis. "We're opening May 4th in Los Angeles at the Aquarius, right across the street from Colonel Parker's office. So I guess they'll know about it. We have a TV special ready to go, an album ready to release. If anybody tries to enjoin Alan from performing, we'll charge an antitrust violation. Elvis Presley Music and Gladys Music cannot conspire to put somebody out of business. This is totally unprecedented in music. They're implying that you cannot do other people's music."

—CHET FLIPPO



Rick



Dennis



Alan

## No contest: Led Zeppelin cops a plea

OAKLAND

**L**ED ZEPPELIN'S attorneys have entered pleas of nolo contendere to all charges of battery resulting from last summer's fight between four members of Zeppelin's entourage and three of Bill Graham's staff in Oakland. (Nolo contendere amounts to slightly less than a guilty plea, subjecting defendants to conviction,

but allowing them to deny charges in other proceedings, i.e., a pending \$2 million civil damage suit filed by Graham's people.)

The pleas were entered February 16th, five days before the criminal case against manager Petet Grant, drummer John Bonham, road manager Richard Cole and bodyguard John Bindon was to go to jury trial.

After the surprise move, the judge at Oakland Municipal Court gave the four suspended jail sentences and placed them on one- and two-year probations, depending on the counts of battery against each person. Bindon, accused of two acts of battery, was fined \$500 and \$750.

The criminal case is now resolved, but the civil damage suit is still on the books. Because the Zeppelin personnel did not receive jail sentences and therefore did not have to make an appearance in court, the civil case will be harder to pursue. As lawyers for both sides pointed out, the prosecution still needs to get more depositions from all involved parties and to discover Zeppelin's assets.

"Led Zeppelin has to be the happiest bunch of people on this earth at this minute," said Jack Berman, attorney for Led Zeppelin in the civil case. The criminal case, he said, could have lasted weeks, and the plea saved his clients both time and money.

But Patrick Hallinan, who is representing Graham's people in the civil case, sounded unconcerned that Led Zep might have gotten the upper hand. "As my daddy always used to say, 'You've got to come out to eat sometime,'" he said. "We'll get them."

—EVAN HOSIE

## It's been a crazy year and a half Tom Petty returns for more

LOS ANGELES

**T**OM PETTY AND the Heartbreakers' new album should finally be out in mid-April, eighteen months after their debut LP was released. The group is completing the album in a converted apartment house on "the bad side" of Hollywood Boulevard.

"It's been a long time since our last album," Tom Petty agrees. "But it's been a crazy year and a half, you know." It began with *Tom Petty and the Heartbreakers*, released without advertising at the same time as new albums from the Eagles and Fleetwood Mac. There were other problems, too: a highly visible punk outfit led by ex-New York Doll Johnny Thunder was also called the Heartbreakers. "The press thought we were punks," Petty says. "Most people didn't know us at all. We were just another new group. We hadn't even toured together when we made the album. So we went out on the road...and stayed out."

The group worked tirelessly throughout 1977, playing the States, England and Europe. "Everything sort of popped when we were in Europe," Petty says. "We came back and it had started over here, too." "Breakdown," a sinuous single that had failed once, was rereleased and this time took hold. (The song, along with Petty,

who plays himself being interviewed on the air, is featured in the upcoming film *FM*.)

"'Breakdown' seems like ages ago," Petty says. "The whole first album was just tapes from the first week we were together."

That album was still climbing the charts when the Heartbreakers cut short their tour to begin recording the follow-up LP early this year. "We were so anxious to get in and do it," says drummer Stan Lynch, "we just went in the studio and attacked." They sequestered themselves at Shelter Studios, a dimly lit, comfortably dilapidated building. They have been playing and recording there nightly, distilling ten new tracks with producer Denny Cordell.

"We're much more of a band now," Petty stresses. "It's all very balanced—not just Tom Petty."

Petty also has renegotiated a "significantly larger" contract with ABC/Shelter to

include the rest of the Heartbreakers (Mike Campbell on guitar, Ron Blair on bass, Benmont Tench on keyboards and Lynch on drums). The label has assured Petty the new album and a world tour will receive massive support. And no one associates the

Heartbreakers with punk anymore.

—CAMERON CROWE

Petty: signs of success



## Miles' new brew

NEW YORK

**M**ILES DAVIS IS BACK in the studio after an almost three-year absence. With Davis, whose bands in the Sixties spawned most of this decade's jazz-rock superstars, are guitarist Larry Coryell, drummer Al Foster, bassist T.M. Stevens and George Pavlis, who is sharing the keyboard work with Davis. One listener described the tracks recorded so far as having a "strong sense of lyricism." Release plans are still vague.