

Rock and Roll and the Movies-- Michael's Rock and Roll Posse

This is an unusual Posse Posting, as it announces some upcoming movies about rock and roll subjects, and I fold into it my script for an upcoming Law of Rock and Roll Class (No. 31), on the same subject. The placeholders are for the music snippets. These films are tumbling out, so I pass them on, and you will need to check your local listings. But the eating is about to get good. I do not usually watch CMT, but I will be doing so tonight for the Johnny Cash movie. (Actually, I will be taping it, as Tina and I are seeing the Steve Jobs movie tonight, but there might be a late night watching.)

<http://nyti.ms/1i4ctQa> (review of Johnny Cash documentary, starting tonight on CMT, and in rotation on that channel)

Speaking of Johnny Cash, Morgan Neville—who has worked on great films on backup singers, Stax Records, Muddy Waters, and Johnny Cash—has a Keith Richards documentary (“Keith Richards: Under The Influence”) next week on Netflix, starting September 18.

There is also a PBS Great Masters Janis Joplin documentary not yet scheduled, but starting to make the rounds of film festivals: <http://variety.com/2015/film/reviews/janis-little-girl-blue-review-1201587001/> (Janis: Little Girl Blue, on a forthcoming PBS AMERICAN MASTERS)

I hope you will like all these, and the many still in the more nascent stages, waiting to work out the music and film rights.

Michael

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Class 31: Law, Rock and Roll, and the Movies (Vol. 1)

Perhaps no two artistic domains overlap as much as do rock and roll or popular music generally and the movies. Indeed, there is a synergism between the two that reinforces their centrality in entertainment law, and, as it happens, some of my own favorite music has either featured prominently in movie film scores or soundtracks, and a number of my favorite rock artists have written songs for the movies, or, in some cases, appeared prominently in movies. In addition the changes roiling each industry are overlapping—

changing technologies and delivery systems, permissions and copyright issues, governance and market forces, and royalty payment structures—and the legal issues are very similar. In today’s Class, we go to the movies to learn more about rock and roll, and the law that affects both endeavors.

First, we will review the usual sources of movie music, and how the legal issues arise, especially the various means of securing rights. Second, we will remember some movies specifically about rock and roll or include musicians as performers, both documentary and feature films—including several that had legal dimensions that arose. Finally, we will evaluate the various ways that the visual arts are overlapping with the musical arts, and consider how law shapes this interaction. Even before, we remind ourselves why we care. Lights, camera, action, music...

As I have touted several new performing artists whose work I have discovered first in the movie houses, I immediately think of my two favorite movie soundtracks, the explosive music by Gato Barbieri from Last Tango in Paris [Gato Barbieri, “Last Tango in Paris Suite”], especially at the end of the movie where Paul follows Jeanne into her apartment and she shoots him, and the exquisite treatment by Nino Rota that framed the first two Godfathers [Nino Rota, “Love Theme from The Godfather”]. It is only an accident that both of these movies starred Marlon Brando and were released in 1972, and that both featured original soundtracks with no commercial releases of individual songs off the tracks. And I never would have discovered an extraordinary Sufi chant, had I not seen it in “The Reluctant Fundamentalist.” [Fareed Ayaz & Abu Muhammad, “Kangna”]

As all movie fans know, these are not rock and roll, but I just wanted to work them into this Class soundtrack. You know, it's my party, and

Sometimes, directors choose already-existing music and incorporate it, which requires a licensing agreement. Here, one can think of the many Simon and Garfunkel songs from their earlier albums that were folded into *The Graduate*. Even though the movie's soundtrack appeared a short time before "Bookends," [Simon and Garfunkel, "Mrs. Robinson"] the most identifiable song was "Mrs. Robinson," which had appeared on the scheduled "Bookends" album, rendering the single ineligible for the Academy Award. During the filming, and for a fee, Simon had auditioned three songs for the director Mike Nichols, who chose the one that most people identify with the movie, even though it is not played in its entirety.

At the other end of the spectrum, in "The Hunger Games: Mockingjay, Part 1," only original music appeared in the soundtrack, organized by Lorde and including Simon Le Bon, Diplo, Ariana Grande, Miguel Pimentel, and others—but only two of the songs on the album actually appeared in the movie.

In between these two examples, there are as many forms of deciding upon music as there are films. Sometimes, most famously with Elvis in over 30 movies and Prince in "Purple Rain", and to a lesser degree, Curtis Mayfield in *Superfly*, [Curtis Mayfield, "Freddie's Dead"], and Eminem in *8 Mile*, the singer stars in or appears in the movie. Or the film is

about a musical concert, such as “The Last Waltz,” “Stop Making Sense,” or the iconic “Woodstock,” where they at least got the rights to Jimi Hendrix’s music.

Because on occasion, the legal rights are so tangled and contentious that even a wonderful performance by André Benjamin, formerly of OutKast, is wasted in a movie about Jimi Hendrix—called “Jimi: All Is by My Side”—when not a single Hendrix song (either written by him or recorded by him) was licensed by his estate and allowed to be played in the movie. A second movie, with the authorization of the Hendrix estate is said to be in the works, but there is only so much room for biopics, even ones as fascinating as the story of Jimi. Biopics of dead African American singers have become almost a genre, as was evident in feature movies about Ray Charles, James Brown, and Billie Holiday, as well as ensemble efforts such as Cadillac Records. [Diana Ross, "Strange Fruit"]

And not only have there been dozens of courts cases trying to establish the rights of artists and authors to their intellectual property appearing in movies, video games, and television productions—such as one involving Timbaland producing a song by rapper The Game, sampling from the soundtrack of an Indian film. [The Game, “Put You on the Game”]

Our love of movies will always be mediated by the extraordinary use of music in a variety of thematic ways. Rock stars will continue to work in this genre or write songs adopted for film, as Elton John in The Lion King, or the entire album of Van’s music used in nearly 20 films, “Van Morrison at the Movies – Soundtrack Hits.” [Van Morrison, "Queen of the

Slipstream"] Their lives will be commemorated and their work documented by the film medium, and all these projects will be required to thread the legal needle.

This is Michael Olivas, your Rock and Roll Law Professor, King of the Slipstream sneaking into the drive-in movies, with the Law of Rock and Roll, on KANW, your NPR station in Albuquerque, New Mexico

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