

Bowie Business: RIP David Bowie, Glenn Frey, Paul Kantner, and Natalie Cole—Michael's Rock and Roll Posse, January, 2016

I have a friend who conducts research on Latino WWII *veteranos*, and she is only partially kidding when she points out that she is working herself out of a research subject, given how many of her folks have died or will soon die. When writing about dead entertainers, I feel sort of the same way, except that there are more in the pipeline, whereas they are not minting any more WWI veterans of any sort, and a large number of entertainers also die young. (And no matter what Billy Joel has sung, it is not only the good who die young.)

In the last two or three weeks, we lost Natalie Cole, Glenn Frey of the Eagles, David Robert Jones (a/k/a David Bowie), and Paul Kantner of Jefferson Airplane and Jefferson Starship. I promised to take some time to acknowledge them, as several of you immediately sent me materials, memories, or queries. I never saw any of them perform (see the small exception, below), and regret it because they all made great music. In person, I did see Glenn Frey induct my beloved Linda Ronstadt into the Rock and Roll Hall of Fame, and he performed with all the great women who covered for the missing Linda, and I was struck by how sincere and eloquent he was, noting that she had given him and the early pre-Eagles their early break as her back up band, and before they became the Eagles. (Bowie, Kantner, and Frey are all in the Rock and Roll Hall of Fame.)

But first, I want to clear away some of the underbrush about why I was not able to get to this earlier: Some colleagues came by on Monday this week, and then contacted me on Tuesday to find out where we were—a question we asked

ourselves over the last few days. Whenever I read of a big weather event that strands people, I think: there but for the grace of god, etc.

Last weekend, we had our own weather event. I taught a weeklong Music Law course at Cornell, where it got down to -2 one morning (a “dry” cold, I was told). But it was not the Ithaca weather that turned out to be the problem, but the buses and shuttles taking the 4.5 hour trip to the NYC area airports: two were cancelled, so we juggled plans and got out on the last bus outta Dodge that Friday for a LaGuardia flight we thought would get out on Saturday before all hell broke loose. You know the rest—stranded for three days at a NYC Hilton (the same one from AALS two weeks earlier, with no snow), and three more flight cancellations on three days. We could not even leave the hotel to wander outside at all, as it was so dangerous and slushy.

Like the Pope, when we got back on the last flight out of Newark on Monday (LaGuardia Houston flights were overbooked until Thursday), I kissed the warm ground. When I was asked about teaching the Inter-term course last July, in 90+ weather in Santa Fe, it seemed like a good idea at the time. In 1989-90, we spent a year at Wisconsin, where I was a Visiting Professor of Law and Special Counsel to then-Chancellor Donna Shalala. It got down to 14 below one day, and people said, “Michael, you should have been here when it was really cold.” After a certain point, well above -14 or -2, it is all just bragging. How do they do it?

Now you know why this has been delayed. I also wanted to review notes on their legal issues, as I will simply stipulate that they were all, in their way, influential

singers or members of influential groups. The dyspeptic Gersh Kuntzman appears to be in a small minority, when he wrote in the NY Daily News: “Glenn Frey’s death is sad, but the Eagles were a horrific band” [<http://www.nydailynews.com/entertainment/music/glenn-frey-death-sad-eagles-lousy-band-article-1.2501461>]. By my lights, that is just wrong, and my playing their “Greatest Hits” album for the last few days reminds me how so many of their songs have held up, and “Hotel California” has some truly great licks.

Irrespective of their wonderful and distinctive music, the legal and business issues of the men were particularly of interest to me, and I expect to work some of this influence into one of my radio show classes. I regret that Natalie’s life intersected with the law, by virtue of her drug habit and other related matters. She apparently cleaned up her addiction, but had recurring health issues.

It is the men who have provided me with a number of legal observations. Paul Kantner fought with members of the Jefferson Airplane and its later version, Jefferson Starship, in a trademark infringement case, for control of the group’s name, as did the Eagles fight over the same issue—particularly Frey and Don Henley. And after the fight over the use of the Eagles name was resolved, the band sued Elektra Records to get back permission to use their own works (including their “Greatest Hits” album), ownership of which was very tangled and uncertain. When Henley passes, which I hope is a long time from now, he will have been a major contributor to the entertainment law canon, given his own fascinating skirmishes and ownership quarrels. For example, Henley sued and then settled with Republican California senatorial candidate Chuck DeVore for his unauthorized use of "All She Wants to Do Is Dance" and "The Boys of Summer," which DeVore had

parodied in campaign videos. Eagles member Joe Walsh also went to court to protect his earlier intellectual property in the same fashion.

This brings me to David Bowie, who left over \$100 million in his estate, mostly due to his shrewd and unusual business practices. I had been working on a radio show about the evolving state of business practices in rock and roll, and I kept running across the term, “Bowie Bonds,” which I had at first assumed was one of his many chameleon-like personas throughout his life, but they are publicly-available securitized investment instruments that let artists raise money by tying the bonds to their future royalties, much as a building can be financed by tying the money to guarantees of future rental income or parking licenses. I had read that James Brown and others had also taken advantage of these, but Bowie was at the front of this line. He used the \$50+ million funds he raised to start up an internet service provider, BowieNet, which was not only a subscriber service platform for all things Bowie, but an online e-storage and internet access service. He first made videos available on the ISP, and with his shapeshifting persona and media savvy, developed a blend of audio and video formats and intersections. His was among the earliest and most comprehensive virtual community and social media home, and was a forerunner of the model that has become the major fan-based architecture for Taylor Swift, Adele, The Rolling Stones, and most major groups today. Go to the Twitter account and website for Gym Class Heroes and see what I mean—or mine, much more modestly. In addition, like The Beatles before him, he cleverly marketed himself and his music in ways that later became the norm: having among the very first downloads of his songs (in 1996), and an early virtual bank, Bowie.banc.com. Others had taken stabs at this, but his overall comprehensive and interactive platforms became the industry standard, even as he cut back on his own writing, touring, and record-producing. I was thrilled when he

release a new cd two weeks ago, only to learn he had rushed it into production because he knew of his impending death.

YouTube is awash with videos of his many riveting performances, and I urge you to rummage through them across songs and versions. The one I found most interesting (apart from his lip-synched performances on Soul Train) was this live version of him playing that great song, "Fame," in a Tokyo concert, in part because it is a great live treatment of a fantastic song, but because he also plays guitar, which he did not always do in concerts. If you like his music, you will glory in his work: https://www.youtube.com/watch?v=_ygPryJYIrs

We should all be so successful in timing our deaths and leaving such an extraordinary trail. He and his extraordinary music will be missed, as will all these folks who died recently.

Michael