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Volume 1 • Number 9 • January 1991 • FREE

# DOUG SMITH:

*'Play Us A Song...You're the Piano Man...'*

BY CAT CRISP

Who is Doug Smith? And why does he look familiar? Oh yeah, he's that guy playing the piano on that T.V. commercial for the Depot Restaurant. Doug plays a variety of music at the Depot on Friday and Saturday nights. He entertains his audience on the piano by sharing his love for writing and composing, which comes out in beautiful and exciting music.

Originally from Kermit, Texas, Doug started playing at the tender age of 16 months. He would just play what he heard. "Because I had this God given thing, a natural thing, a part of the way I am. I knew I would always play. And I have always pursued it." I found the fact that Doug had been so focused at such an early age fascinating. And Doug's music definitely arouses ones interest.

There are five pianos in Doug's family for him to choose from. One at his grandparents, one at Mom & Dads', one at his aunt & uncles', plus his electric grand, and the new 7'4" concert piano soon to grace his living room. So the obvious next question would be; do you come from a musical family? Doug replied, "Most of my family has a hard time tuning in the radio." All joking aside, I did find out that Doug comes from a very artistic family. They inspire him and are inspired by him. Included in this creative circle are family and friends who have painted, drawn or carved fabulous pieces of artwork which not only decorate his home, but, to me, expresses the feelings that are given and received by people who have touched one another.

A Texas Tech Ex (Class of '85), Doug studied Telecommunications but has always played the piano. As a self-taught musician, See SMITH pg. 11



Photo by Cat Crisp

## WTMA Happenings:



Above: Sound Managing Editor Chris Harmon is flanked by WTMA members Tommy and Charlene Hancock at a Mixer last Fall.

Below: WTMA Board Members Alan Crossland (back to camera), Landa Gamble-Jones, Chris Harmon and Chester Marston discuss upcoming plans.



## WEST TEXAS SOUND

The official of the West Texas Music Association (WTMA), is published monthly as a forum for its members as well as the area music community. Its contents are comprised of submissions by members of the organization.

**WEST TEXAS SOUND** is distributed free of charge at local outlets and available by subscription as a part of the general membership fee of \$10 yearly.

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### WTMA BOARD OF DIRECTORS

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# "Hub-Bub"

## MUSIC MUSINGS & ASSORTED WHAT-NOTS

BY CHRIS HARMON, MANAGING EDITOR

My mother told me years ago, "On the first day of the year you should take a few moments to sit back and reflect on the past year, pat yourself on the back for your accomplishments, and make goals for the coming year." With that in mind, I'm sitting here thinking about the things the WTMA has done this year, and am wondering where the organization will be at the end of 1991. The Association put on two **Songwriter's Nights** (one of which was hosted by **Sonny Curtis**), staged the music for **Riverfest 90'**, co-sponsored a **Food Bank** canned food drive, started publication of the **West Texas Sound**, and finished out the year with a fund raiser, organized by Mike Burke, at **Tommy's Place**. Yes Virginia, there is a music association, and it's an active one. Although the past year has been full of new ideas and ventures, I believe this coming year will be even better. The addition of **Landa Gamble-Jones** to the Board of Directors, has been the spark needed to set fire to the Association. Her ideas and abilities to follow through will, hopefully, give the WTMA a needed "shot in the arm." But, one person does not make an Association. Now more than ever, we need involvement from *all members* to help carry out the projects of the coming year. Make your New Year's Resolution now to get involved with the West Texas Music Association.

*Congratulations to Andy Wilkinson!* The "Today Show" taped him singing his "Tumbleweed Christmas Tree" from beautiful downtown Notrees, Texas. The segment aired on Christmas Eve. Thanks to **Mike Burke** of **Tommy's Place** for putting together the bands for the concert to support the WTMA. The concert, which included a fantastic line-up, was great in both terms of musical quality as well as financially. The event raised over \$1,200 for the WTMA which will aid dramatically in our upcoming projects. A huge "Thank-you" to all the bands that took time out of their Christmas weekend to put on this great show.

### IN THIS ISSUE

The first issue of the year is full of memories of the past year. I hope you were at some of these events. **The Phantom of the Opry** is back this month with two more album reviews, and **Cat Crisp**, coincidentally, interviewed one of the Phantom's victims, **Doug Smith**. **Cary Banks** has a controversial article on "Enhancing", or rather, the role of ASCAP and BMI, while **Charles Chambers** discusses "Infringement." **Ron Riley** is back in the saddle again (no pun intended), writing on the **West Texas Honky Tonk Tour**, and **Rebecca Hopkins** and **Tommy Hancock** both take a "Live Look" at bands around town. **Tex Slim** has more CD reviews, and I regret not getting any of **Paul Bullock's** poems in this issue. By the way, I have several pages that are really good, look for them in future issues.

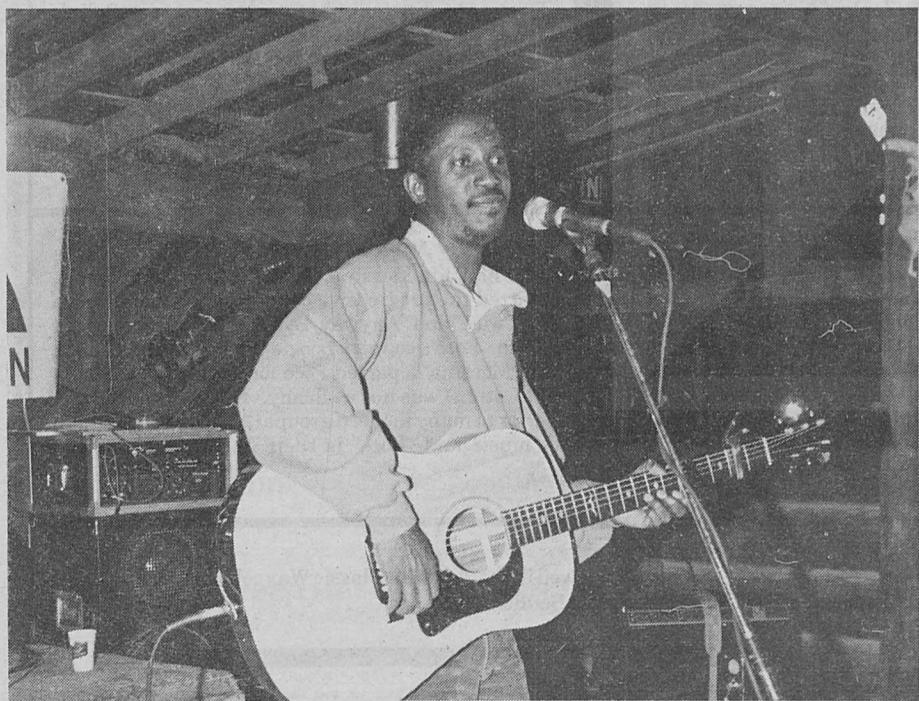
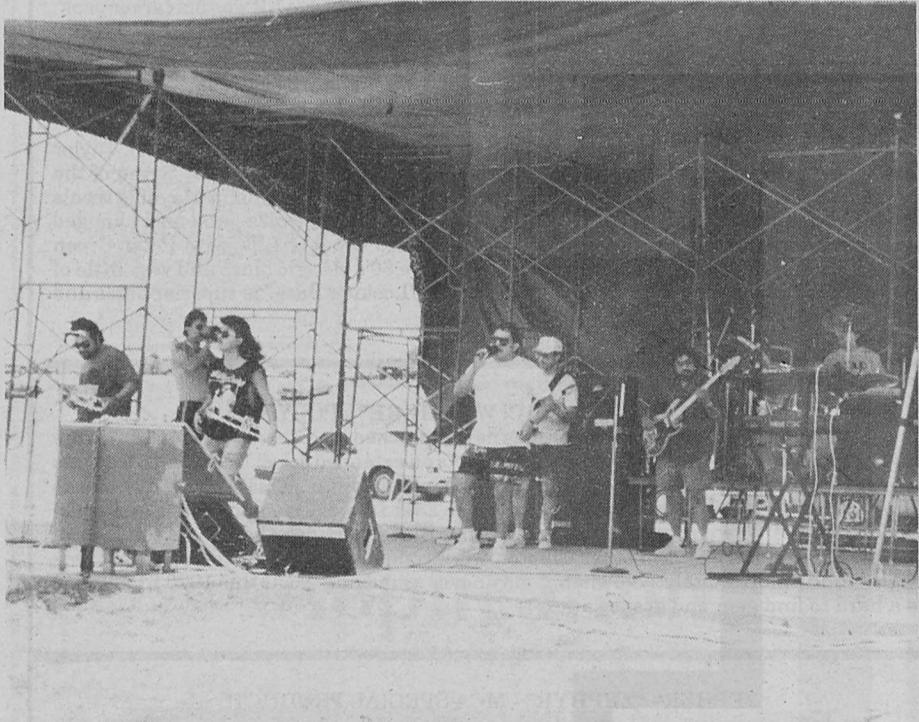
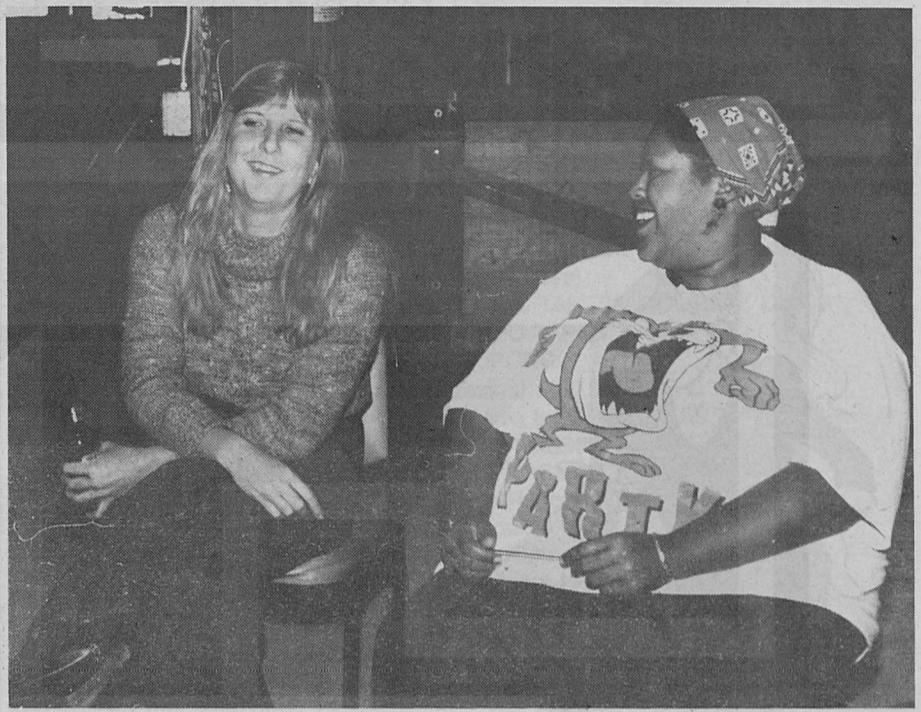
### NEW MEMBERS

I'd like to take this time to welcome some new members to the WTMA: **The Boonie Rat Band** ("Doc" Puryear and "Sneaky" Stebritz) from Wolfforth, **Brent Cox** from O'Donnell, **Clarence Nieman** from Tahoka, **Judith Johnson**, **Maureen Gass**, **Eve Johnson**, **Jim Springer**, and **Rue & Gene Brock** all from Lubbock. I hope all of you are ready to roll up your sleeves and get involved.

By the way, I got a letter from **Anita Hunter** this month: "Are copies of October and November issues still available? I would like to send copies to 3 friends. How much would they cost? Could you just mail them directly to my friends, or should I pick them up somewhere?" Anita, copies of all the issues are available and can be picked up at **Marston Photographic Services**. There is no charge for the papers.

I hope each and every one of you have the best year ever! CH

# • 1990: A Look Back •



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## COMPACT DISC REVIEWS

**EDITOR'S NOTE:** Tex Slim is a former disc jockey and retired harmonica player. He owns and operates a compact disc library (600 discs) in Shallowater, Texas. He can be reached through this address: P.O. Box 1207, Shallowater, Tx., 79363.

### SAVOY BROWN - "GETTING TO THE POINT" - DERAM

This is the debut LP of the English blues band, featuring Chris Youlden (vocals) and Kim Simmonds (guitar). Savoy Brown's rhythm section (Dave Peverett and Roger Earle) later went on to form Foghat. The first cut "Flood in Houston" may have inspired a then 12 year old Stevie Ray Vaughn to do "Texas Flood." Savoy Brown played the same circuit as John Mayall's Blues Breakers, but Savoy Brown did not employ horns. The 70's brought an end to the blues influence of Savoy Brown and "To The Point" was one of only three Savoy Brown blues LPs. This 1968 LP is vintage British blues and gets an A+.

### HOWLIN' WOLF - "LONDON SESSIONS" - MCA/CHESS

Howlin' Wolf (Chester Burnett) was the godfather of folk blues. This Chess master has some tape hiss, but this is the only flaw in the recording. Wolf tabbed Eric Clapton (guitar), Steve Winwood (piano), Bill Wyman (bass), and Charlie Watts (drums), as his back-up band for this historic LP. Clapton's work with John Mayall's Blues Breakers, and the Rolling Stones rhythm section were just perfect for this folk legend to record some electric blues. Such classics as "Rockin' Daddy" and "Built For Comfort" high light this super blues jam session. Wolf died some 5 years later and this one LP was his career peak. Wolf's "London Session" gets an A+.

### JOHN MAYALL - "LOOKING BACK" - DERAM

John Mayall's Blues Breakers employed Eric Clapton, Peter Green, and Mick Taylor to name a few of Mayall's axmen. All of these appear on "Looking Back." Seven of the eleven cuts feature Fleetwood Mac founder Peter Green on guitar. John Mayall's vocals and keyboard work supplements Green's guitar perfectly. Mayall's personnel changed every year so "Looking Back" is one of only two Blues Breaker LPs with Peter Green ("Hard Road" is the other). "Looking Back" is vintage 60's electric blues and very little of these Blues Breakers records are available on CD. "Looking Back" is superior blues and rates an A+.

### ERIC CLAPTON - "E.C. WAS HERE" - POLYDOR

"Slowhand," Clapton's solo career, has never matched his Cream work. "E. C." is the only Clapton LP to showcase Clapton's blues roots on extended solos. "E. C." also features former Domino, Carl Radle on bass and George Terry on guitar. This six song disc has no filler and contains superior versions of "Have You Ever Loved A Woman" and "Further On Up The Road." The eleven minutes of "Drifting Blues" certifies Clapton as the king of British blues guitarists. No other Clapton work compares to "E. C." (except "Just One Night") and unfortunately, "Slowhand" may never sound as good as this 1975 LP. "E. C." is a hard to find gem and grades an A+.

### ZEPHYR - "ZEPHYR" - MCA SPECIAL PRODUCTS

Candy Givens pioneered women lead singers in rock bands. The hidden heavyweight in Zephyr is the late Tommy Bolin. This is top flite jazz/blues/rock fusion and Bolin's guitar work is plain unreal. Candy Givens even comes close to Janis Joplin on some songs and Zephyr sounds better than Big Brother and the Holding Co. Bolin left Candy and David Givens (bass) after this LP to replace Joe Walsh in James Gang. This one shot deal is considered a collector music item. Tommy Bolin only recorded 2 solo LPs and one Deep Purple record after his two James Gang discs prior to his untimely death. "Zephyr" is a golden oldie and rates an A+.

### POCO - "POCO" - EPIC

This early 70's POCO line-up (original) had Jim Messina, Rusty Young, Tim Schmit, and Richie Furay. This 5 piece band started the progressive country era. This LP also contains the radio hits "You Better Think Twice" and "Anyway, Bye Bye." Modern country DJ's are too young to even have heard POCO. POCO's country boogie music is at its best on "Nobody's Fool" (eighteen minutes). Jim Messina departed POCO for Loggins & Messina after 3 or 4 LPs and his successor (Paul Cotton) was not as flashy. Rusty Young's steel guitar and Tim Schmit's vocals are superior to many modern groups (Alabama, etc.). POCO produced excellent background party music and "Poco" is their finest work. "Poco" deserves an A+.

**NOTE:** Most compact discs reviewed in the Tex Slim Classic Wax column were acquired as a special order from Hastings or Sound Warehouse.

# FANTOM OF THE OPRY REVIEWS

Well, Folks, I have listened, again and again, to JIMMIE DALE GILMORE'S release "JIMMIE DALE GILMORE", (HIGHTONE 1989). Yes, I know this is not his latest recording but it is one of his best. The more I listen, the more I wondered... What is a JIMMIE DALE GILMORE? His voice and artistry is pure country. He is a "today" artist with a wonderful, "yesterday" sound. There is a certain 30's and 40's quality to his delivery and it is really good. His style of writing is "era". On this particular recording Jimmie does all of the songs well, but you can feel the special touch in the songs he writes. "THE DOOR IS OPEN WIDE" and "BEAUTIFUL ROSE" are like vintage pieces, timeless. "DEEP EDDY BLUES" (my favorite) has a "blue-yodeler" touch to it. "HONKY TONK SONG", "RED CHEVROLET", and "THAT HARDWOOD FLOOR" (the last two written by B. Hancock) bring up-beat tempo to the recording. What is a JIMMIE DALE GILMORE? He is a singer, he is a songwriter, he is an *ARTIST*.

DOUG SMITH...Man, what do you say about DOUG SMITH? Piano player? NO! He is an executioner!! Doug plays "slash and burn" piano. On his album "MIXED EMOTIONS" there are ten really great songs but, he out does this album with his latest effort "DOUG SMITH". "GUN SLINGER" is my favorite action on this recording. DOUG SMITH is carving his niche in the music world with eighty-eight keys (sounds like more) and he's doing it well. If you have not heard this piano great, you are missing out on some very high energy performances. Get his albums.

Keep watching for my reviews each month. The Fantom is still lurking about reviewing good music. Where will the Fantom strike next?

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- Name added to WTMA Mailing List

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# JANUARY

## LIVE MUSIC CALENDAR

### **BELLY'S 5001 Ave. Q**

Tues - Sat Donny Allison (Happy Hour)  
 Tuesdays Robin Griffin Band  
 Wed - Sun. P. J. Belly and Lone Star Blues Band with  
 Elvis the Busboy  
 Fridays Don Caldwell & Mainframe

### **BORROWED MONEY 910 E. Slaton Highway**

12/31 Larry Cagle & Crazy Fox  
 1/2-5 Southern Wind  
 9-12 Stallion  
 10 Pirates of the Mississippi  
 16-19 Billy Joe Royal's Band  
 22 Travis Tritt  
 23-26 Larry Cagle & Crazy Fox  
 30-2/2 Texas, the Band  
 31 Canyon

### **CHELSEA STREET PUB South Plains Mall**

12/31-1/5 David Trout  
 11 Rusty Weir  
 14-19 Zychek  
 21-26 Off Limitz

### **DEPOT BAGGAGE ROOM 19th & Ave.G**

schedule not available

### **DEPOT WAREHOUSE 19th & Ave. G**

schedule not available

### **GREAT SCOTT'S BAR-B-Q FM1585 & Hwy 87**

4 & 5 Eddie Beethoven & the Sons of Fun  
 11 & 12 Dave Lahman  
 18 & 19 Traumatix  
 25 & 26 Boonie Ratt Band

### **JAZZ 3703 19th**

Thurs & Sun Tommy Anderson & Jazz Alley

### **MAIN STREET SALOON 2417 Main St.**

Sunday Denzel Smith & Johnny Ray Jam (Rock)  
 Monday Jeff Patterson Jam (Acoustic)  
 Wednesday Johnny Ray Jam (Rock)  
 12/31 Intruder  
 4 & 5 Open  
 11 & 12 Night Child  
 18 & 19 Time Beings  
 25 & 26 Envoye Express

### **ON BROADWAY 2420 Broadway**

schedule not available

### **ORLANDO'S 2402 Ave. Q**

schedule not available

### **SILVER BULLET 5145 Aberdeen**

Fri. - Sun. Chuck McClure & the Country Squires

### **SPORTS FORUM 3525 34th**

Thu. & Sun. Todd Holley Jam

### **TACO VILLAGE 6909 Indiana**

1 Bobby Shade  
 12 Alan Munde & Country Gazette  
 19 Yellowhouse  
 26 Andy Wilkinson

### **TOMMY'S PLACE 302 E. 82nd**

4 & 5 Ponty Bone & the Squeezetones  
 17 & 18 Lounge Lizards  
 19 Joe Stampley  
 24 W.C. Clark  
 31 Storm Out of Texas

### **TOWN DRAW 1801 19th**

Thursdays P. F. John Jam (Rock)  
 12 Intruder

### **WESTERN TACO 6319 W. 19th**

Fridays Open Jam

### **Club & Restaurant Owners:**

*West Texas Sound* seeks your help in compiling this monthly live music guide. If you have bookings you wish to announce, please contact us as soon as possible (deadline is 20th of the preceeding month) so that your listings can be included.

**"Thank-you!"**

### *Readers Please Remember...*

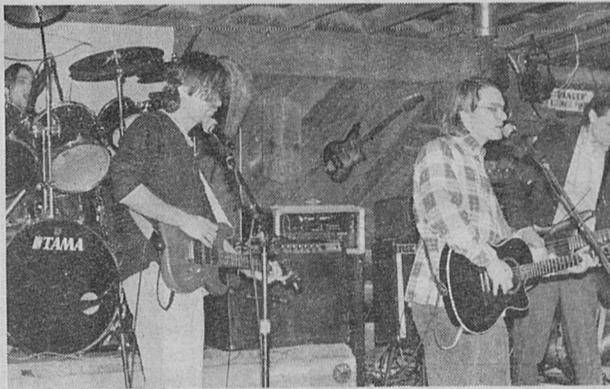
*Times and dates at press time are subject to change. Call ahead for updated information.*

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# Tommy's PLACE

*Thanks To All Who Participated  
in the WTMA Benefit, December 23!*



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# The Great West Texas Honky Tonk Tour

BY RON RILEY

## "Old Dun Horse"

Copyright 1988 Ron Riley

Sometimes I amaze myself. I'm so smart. Smarter than the older folks for sure. Bud told me not to wear spurs when I rode the old dun horse but spurs were always the cool thing for any real or would be cowboy to wear. All the older hands wore them and I was fourteen this year and if that didn't qualify me then nothing would, no matter what Bud had told me. Besides, each set sang its own little song announcing the approach of each cowboy. I needed this song for my identity and could walk or ride forever just to hear their song.

So away I rode on the big dun horse to explore the ravine areas at the foot of The Caprock. The Caprock juts from the West Texas plains for hundreds of miles, serving as a natural boundary for cattle and in times past, shelter for Indians. Today it was wonderful entertainment to me, as I loved to ride the deep gorges up and down. A firm spurring every now and then helped old Dunny to make up his mind about whether or not to climb out of each gully: Piece of cake with spurs. He was doing my bidding and I laughed at the thought of anybody telling me how to ride a horse. Use a gentle but firm tone of address, don't waste time getting her to take the bit, and after you've gotten the saddle on and cinched down tight, you walk away and listen for the great exhale. Then hurrying back you cinch him up tighter. A horse, when he gets older, will get

wiser and hold his breath and if you don't wise up and pull the cinch tight, you will likely end up on the ground still clutching the saddle horn, being dragged under hoof. I had that problem solved and had moved on to the spurring dilemma, which seemed to have worked out all by itself because Dunny was performing brilliantly whenever the spurs beckoned.

Down the gully, under the mesquites growing along the banks, they all leaned in to form an arch of spiny danger just overhead. Now and again the old horse would veer very close to the embankment trying to rub me off his back. Or walk under the lowest branch hoping I'd get knocked off and leave him free to head back to the barn without me. Lots of horses get stubborn in their old age and when you let them know that you not really paying attention, they will subtly get shed of you or change course and head straight home in a lope. Top speed going away from the house is dictated by the animal according to it's willingness to obey. Old Dunny was getting less and less excited about getting farther and farther from the groceries. So when Dunny decided that we had gone for enough, he made several very strong attempts at breaking and running toward home. Each stronger than the time before.

Mad, wild eyed, and stubborn he began

to trot off in the direction which the spurs and I had bid. No trouble, no objection, just a sudden seeming willingness to please. Good left turns, a nice rideable gait, leave the drivin' to us cause this horse is mine. I am the master.

I really didn't notice at first when he picked up the pace. Probably because it all felt good to be in command of this steed in flight. The wind was my friend. I slowly began to realize that I no longer had total control. With every gallop getting faster, I was losing more and more control, bouncing in the saddle. I was in the air half of the time with no leverage on the reins and those spurs digging in again and again as I lost control of a stirrup. I was still atop this stud but just barely and at this breakneck speed I could see ahead to a long patch of mesquite with a trail on either side and the horse heading straight toward the middle. I could not begin to get his attention and it was way past time for "whoa!" He wouldn't dare jump this big bunch of bushes would he? Not with me so out of control... Would he?... Naaaa! He'll pick a side and use the trail and maybe tire out before he kills us both.

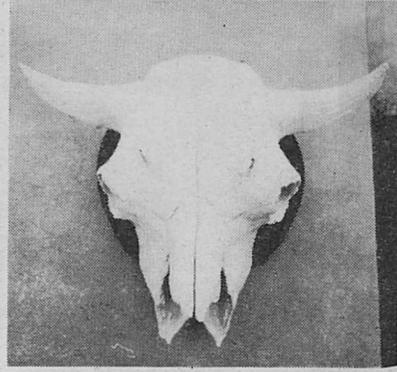
I heard myself talking my instructions. "Okay, veer left Dunny. Left Dunny. Old Dunny, left boy. Okay, right, one way or the other, just decide soon or we'll have to jump."

At the very last second Dunny made a quarter horse type left turn so sharp, so quick and unexpected that I become airborne, just like a cannonball. Grazing the tip top of the

thorns on one side, bouncing off a prickly pear in the center, and tumbling over the rest of the sticky bush end-over-end coming to rest in the next thorny patch.

As the dust settled and I collected my thoughts, I could tell I was still alive. My heart pounded in my neck to the rhythm of Old Dunny galloping straight toward the barn. I wasn't going to open my eyes being face down in sand and broken tree limbs, so I tried pushing up on one elbow. The Dun Horse was out of sight by then, but his dust lingered suspended, motionless, arching in the orange dusk as if to show me the way home in the fog.

Broken thorn tips, tiny cactus pins and splintered sticks had punctured me all over except the front where my leggings had saved me. My shirt and mouth were full of sand. It was hard to walk. Hell, hard to stand, much less walk. Now I would be able to really enjoy the spurs jingle. There was silence, except for my groans, shufflings, and the cheery little "I told you so" song of spurs on a two mile hike.



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## LETTERS

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# YOU, MUSIC, AND THE LAW

BY CHARLES S. CHAMBERS

## "Infringement"

There are two basic types of infringers of copyrights: unauthorized users of previously copyrighted work, and duplication suppliers of such copyrighted works. The first type, whether broadcasters, record companies, or film producers, can avoid infringement by obtaining permission in the form of a license, to use a copyrighted work. The second type is composed of a writer and his publisher who market copies of an original work which the writer has consciously or subconsciously copied, after having had access to the original work. An infringement does not need to be "intentional or willful" to constitute infringement. For example, George Harrison was found guilty in a copyright infringement action for "subconsciously" plagiarizing a 1962 tune in a 1970 composition credited to him.

Prior to the 1976 Copyright Act, generally only the copyright proprietor of a work was deemed to be entitled to bring an action for infringement. Exclusive licensees might sue for infringement on condition that the copyright proprietor was joined as a party to the suit. This policy was aimed at avoiding a multiplicity of suits. A copyright was usually regarded as an indivisible "bundle of rights" insofar as infringement actions were concerned.

The 1976 Act effected a major change, all rights under copyright, such as performance rights, printing rights, and mechanical reproduction rights, are clearly divisible. The owner of an exclusive right can bring an action in his own name for infringement of his right. For example, if a firm such as Tree Publishing is the exclusive licensee of the right to publish a particular song, it can sue as such against infringers of that right, without the participation or joinder of the licensor.

The beneficial owner of an exclusive right as distinct from the legal owner, is also entitled to sue for infringement. An example of a beneficial owner would be an author who had assigned his legal title to a copyright in consideration of the right to receive percentage royalties computed on the basis of sales fees or license fees.

In recognition of the fact that an action for infringement can affect the rights of others who have an interest in the copyright, a court may require that the plaintiff serve a written notice of the action on any interested parties. The court may further require or permit any persons whose rights

may be affected to join in the action.

There are various remedies available to a plaintiff who complains of infringement. He may request that the infringing copies, as well as plates, molds, matrices, tapes, and others means of reproduction, be impounded or destroyed. More commonly, he will claim his actual damages and any additional profits of the infringer from the infringement that are not taken into account in computing the actual damages.

In suits for an infringer's profits, the burden of proof tends to be on the defendant. The 1976 statute states that the copyright proprietor need prove only "the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profits attributable to factors other than the copyrighted work."

In lieu of actual damages and the additional profits of the infringer, at any time before final judgment during a legal action, a plaintiff under the 1976 Act can elect to recover statutory damages. For such damages the Court, generally, must award between \$250 and \$10,000, in the Court's discretion, for all infringements with respect to a single work. For that purpose the components "of a compilation or derivative work constitute one work." However, where there is a willful infringement, as in the case of a defendant who infringes after written notice, the Court in its discretion may award up to \$50,000 for statutory damages. A reduction to a minimum of \$100 can apply if the court finds that the defendant "was not aware and had no reason to believe" that his act was an infringement. The court may omit any award against instructors, librarians, and archivists in nonprofit institutions who honestly but mistakenly relied on fair use where there were reasonable grounds for the belief that fair use was applicable to their reproductions.

The 1976 Copyright Act provides that a willful infringement for commercial advantage or private financial gain can result in a fine of not more than \$25,000 or imprisonment for not more than one year, or both. As stated in previous articles, if you have a work registered with the copyright office, that fact will help immensely in any suit you file for copyright infringement.

Charles S. Chambers is an attorney with offices at 2012 Broadway, Lubbock, Texas.

# LIVE SHOT

BY TOMMY HANCOCK

WHERE: Oliver's  
WHEN: November 17, 1990  
WHO: Traumatix

A good band at a good place! Rare.

I've heard the Traumatix twice now and am very impressed at the great musicianship combined with professionalism. And to top it off, these guys are having a good time! Wow!

Mike West/guitar, Bon Shacklette/keyboard-vocals, Adam Aaron/bass, and Richard Barnett/drums-vocals, are showing as well as playing great party Rock and Roll music! Barnett fronts, twirls the drumsticks, sings, and even smiles. This band could play the Town Draw! Anybody will like them.

But this night they are at Oliver's (How is that for spectrum?). It's a good place, well lit, comfortable, good vibes, and good acoustics in a handy location with no cover! Oliver's has it all.

I was entertained every minute the Traumatix were on the stage. A Good time! Good dancing!  
Gracias!

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# LIVE MUSIC REVIEW

BY REBECCA HOPKINS

WHERE: Main Street Saloon  
 WHEN: December 15, 1990  
 WHO: INTRUDER

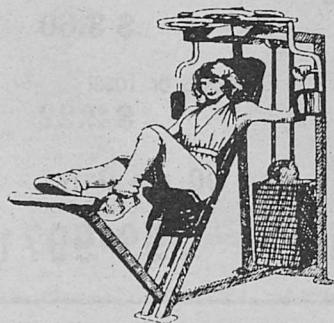
**Intruder**, a Lubbock Rock and Roll band made up of **Jason Hernandez**/lead guitar, **Chris Williams**/drums, (and new members) **Billy Valdez**/bass, and **Gary Lassetter**/keyboards and lead vocals, tore it up at the Main Street Saloon. They play a wide range of rock including Journey, Bon Jovi and Rush. The quality of their sound is extremely important to them. Tina Hernandez (wife of Jason) did an outstanding job with the sound board. Brett Baker and Liz Tevino helped out with the door. The band definitely caught the audience's attention with their explosive rendition of some AC/DC tunes and sounded amazingly like Rush on "Tom Sawyer". The band has lightning bolt energy, excellent rapport with their audience and proved to be very dedicated to delivering quality rock and roll entertainment. Look for their upcoming date at Town Draw (see the Music Calendar). Don't miss them. They are worth checking out!

## Readers:

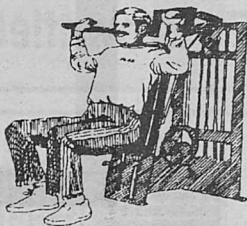
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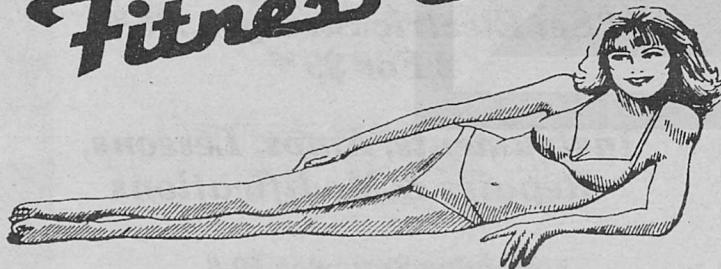
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## Sound Survey...

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**YOUR RESPONSES WILL BE READ & GIVEN STRONG CONSIDERATION!**  
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Are you a musician: Yes No

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Type of music you prefer: Rock 'n' Roll Country Blues Jazz Classical

Age: 10-17 18-25 26-35 36-45 46-55 56-Up

I would like to see more: \_\_\_\_\_

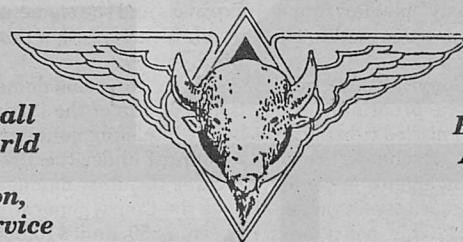
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# Smith Seeks Success On Own Terms

continued from page 1

he never felt comfortable with "music lessons". Even in High School, he learned faster by doing. Doug does not read music which is very hard to believe once you hear him play. I asked him if he played any other instruments, "I enjoy percussion instruments (as he tapped out a beat on the table with a cigarette lighter), the piano is a type of percussion instrument, hammers hitting strings."

I was really surprised at the answer I got when I asked Doug where he'd like to see his music take him; what were some of his goals. "I want to be on Sesame Street. Not just to teach, but to show the kids at an early age what's real!" Doug jumped up from the table and as he left the room he said "Wait, I'll show you what I mean." He dropped a newspaper in front of me and said, "If I could get on Sesame Street with my baby grand, I could show them they can still do something real without all that hype!" The headlines and the picture on the front of the newspaper had Milli Vanilli on it.

Doug, like many musicians in the field, believes that the music industry is too much about Marketing & Promotion. It's getting in the way of the talent. "This kind of crap (pointing to the paper) makes it difficult for those people trying to do something that's real, that's artistic. For those people who are serious about their art form, that could make a sincere contribution, it's next to impossible for it to happen because it's all about the greedy dollar bill. It's not about how many hours you've put on your instrument or how accomplished you are on your instrument."

"It's a weird business. The term 'Music Business' should not be. It's two separate things, and that's why for someone who is trying to excel musically, they've got to waste so much energy on business, on how to pay the rent, that a lot of creative things go by. It's a 24 hour deal and I feel very fortunate that I am able to write, compose, and play my music exclusively."

Doug was gone from Lubbock for a while, but has been back for about three months. He's been doing a gig in Cloudcroft, New Mexico, where he played dinner music; "Sitting in the background playing for 80 year old people, playing 'Misty' and 'Somewhere Over the Rainbow'." So you could play cards while you played this redundant gig? "I could be in a coma and play that kind of music. But it's all apart of climbing that ladder." Doug says he feels more creative performing at the Depot and is very glad to be back in Lubbock.

So, of course, my next question had to be; what is it about Lubbock that draws you back? "Aside from the fact that big cities seem to stifle my creative mind, I can't breathe. The people...the people I love are here, the people I trust are here. I have a very hard time with the trust factor in this business. I can't buy a lot of that. And if these choices keep a lot of my music from being heard, that's okay, because I feel it will be heard even if it's 200 years from now and I'm dead. Maybe that's the price an artist has to pay to give something that is real."

Doug has recorded over 100 songs, "and 100 more in the can waiting to come out", as he points to his head. We envision the inspired pianist going to the piano with pen in hand, but, Doug goes to the piano, turns on the tape recorder, and gets it down fresh. He arranges and re-arranges on tape until he gets it sounding the way he wants, and then sends it to his publishers. Doug has an album out simply titled "Doug Smith." He says he's progressed a lot musically since his first album and is about to start on a second.

Paul Bullock, good friend and acting manager, has worked with Doug for the past two and a half years. "Everything is on a small scale right now," says Doug, "but from the angle I'm trying to come in at, a soloist, things take time. So I concentrate on writing and composing, and I believe that eventually

my time will come around." Doug says it would be easier if he played a guitar or fiddle, in terms of getting out there and letting the people see and hear him. You can't just throw a 7'4" grand piano in the van and drive 400 miles to a gig. Doug uses Don Caldwell Studios to produce in, has his first album available around town, and is moving toward regional distribution.

Doug seems to be a patient compassionate individual who does not pass judgement. And as with most creative people, his emotions are passionate ones. When I found out he was only 27 years old, I told him how impressed I was with his achievements. He very graciously thanked me for the inspiration. "The 'Arts' are a tough field. Positive reinforcement is rare. There are too many people out there saying you can't, you can't, you can't and here's why, and here's why, and here's why you can't. It's hard to learn how to get through that negative crap. I'm just now learning myself how to blow through the middle of it and get to the point, just do it! Being an artist is like being in a room, that...not everybody's allowed into, and...you're either in the room or you're out of the room. There is no half way. You're either dedicated or you're not." While Doug was in Cloudcroft he says he got a lot of inspiration from the environment and a lot of good natural energy. He refers to himself as a "solo pianist", but even further beyond that, he is a composer. After being in New Mexico, he feels a renewed passion and is eager to get on with his music.

As the interview started to wind down, I found it time to ask one more "traditional" question, what advice do you have for young musicians? A small devilish grin came over Doug's face and slowly he said, "If you can do anything else, do it. If you can get inspired from anything else, do so." Then he gave out a short laugh and said, "Seriously, as long as you are inspired, keep creating! Don't give up your dreams, cause if you can't dream it, you can't do it. There is a lot of B.S. in this business and questioning your abilities is what happens. It's a feeling, that, if your trying to excel, especially in the arts, you're going to get, because you do face a lot of negativity. And that's the part you have to battle in yourself and your heart, telling yourself to go ahead and pursue this thing and see it through."

"To excel today, you have to be better than good," Doug warns. "Because there are so many more people out there who are great." You almost have to be ahead of your time to start with? "Yes, exactly," replied Doug. "Not to mention problems with major record companies because they want to 'classify' the kind of music you play." Doug's music is different, he fuses his compositions in such a way that it is appealing to a variety of tastes. "It's just the way it comes out, why does it have to be classified?"

I have spoken with a number of musicians in this town since I've been with the Sound, and even though their viewpoints and creative opinions may vary, they all agree on one point. Their music is different and is a combination of all types of music that has inspired them. They don't want to be classified. That in itself is confining.

Doug has one more thing to say to young musicians, "Do what you do because you love what you do, not because you want to sell \$10 million in records. You have to be satisfied with what you've done and be clear on where you're going. Don't get me wrong, I'd love to sell that many records, but, if I don't, that's okay. I feel like I'm at least making a contribution to the arts. And if I just sell on a small scale, at least I'm free to do with my music what I think should be done with it. It's mine and they can't take that away."

During this entire interview, there was a young puppy pacing around the table wishing he could get some attention too. Doug's pet dog, Erwin. Now you must get the



Doug Smith exhibiting #1 fan and compadre, "Erwin." Photo by Cat Crisp

picture: after an hour of waiting his turn, Erwin decided enough was enough, and let our big "Bark." Doug leaned over and picked Erwin up, saying, "Erwin dog, ya want to make a comment buddy?" Erwin just started licking Dad's chin in thanks, for noticing. Doug looked at me and said, "You know what worries me about this dog? I got him and after he was about three months old,

he had a 10,000 word vocabulary, and I shared the inner most secrets of my soul with this dog. And then we moved back to Lubbock... and he just completely shut up and hadn't said a word since. It scares me. I never know when he's going to start up again or what he might say." (Which confirms the saying, "Artists are weird people." But a good kinda weird.)



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# RHYTHM, RHYMES & ROYALTIES

BY CARY C. BANKS

## "Enhancing"

A recent broadcast by news commentator Paul Harvey gave a negative slant to the work being done by ASCAP (American Society of Composers, Authors, & Publishers) and BMI (Broadcast Music Inc.) concerning their efforts to license and collect fees from businesses who use music to "enhance" their customers environment. The particular case involved a tanning salon that claimed they were being unjustly charged with ASCAP license fees for simply playing a radio in their place of business. ASCAP representative, Gloria Messenger, states that ASCAP does not require license fees from small business owners who have a simple home-style music system in their establishment. However, as was the case in the "Tanning Salon" incident, those businesses that have elaborate sound speaker systems in their place of business are required to pay what is known as "Re-transmission" fees to ASCAP and BMI. The businesses in conflict with ASCAP and BMI on this matter contend that performance fees for music broadcast over the public airwaves have already been paid by the radio station, and that they should not be required to pay for the same performance. However, ASCAP and BMI, in their effort to see that the creators of music are compensated fairly for their work, contend that businesses, especially restaurants, clothing boutiques, tanning salons, nightclubs, etc. use music to "enhance" or make greater the desirability, value, or attractiveness of their establishment. Therefore, they should pay for the use of that music. If you doubt the importance of music in creating a positive environment for retail businesses, just take a stroll through any de-

partment store of the South Plains Mall. Now imagine that same scene without any music!

I have spoken to several members of the West Texas community that are involved with use of music. Songwriters, publishers, restaurant owners, nightclub managers, and church music directors. This is a very complex and complicated subject, and it is my intention to give a fair view from all sides and to try to clear as many misconceptions as possible about the subject of performance fees and "fair use" of copyrighted music.

Mike Burk, manager of Tommy's Place, while being sympathetic and supportive of music creators, finds the ASCAP and BMI fees burdensome. He explains that the live music venue is getting harder and harder to maintain and though the music license fee is designed to compensate the creators of music, it becomes just one more tax (expense) for the purveyors of live music. In essence, the club owner not only pays for the band, he pays for the music they perform as well.

In the case of ASCAP, which is entirely member owned and regulated, 80% of all monies collected are paid to writer and publisher members. These folks work tirelessly on behalf of the creators of music. With the technological advances of modern times, new and better ways of transmitting and presenting music are causing new rules and laws to be enacted to see that the creators of original music are not exploited. The representatives of ASCAP and BMI are at the forefront of new legislation and education in these matters.

The two entities that stand to gain, or lose, the most in this controversy are the songwriter and the small business owner.

The songwriter creates his music for the enjoyment of his fellow human beings. This is his gift to humankind. However, man does not live by aesthetic endeavors alone. Sometimes, you gotta eat. If the creative artist does not receive compensation for his work, he either starves or finds a new line of work. Either way, the world is deprived of his/her gift.

On the other had, the small business owner must deal with location, advertising, employee salaries, benefits and insurance, a seemingly unending array of city, state, and federal taxes, and so much paper work that, at times, it hardly seems worth opening the doors. A music license fee is just one more expense cutting into an already anemic profit margin. If all the expenses eventually force the establishment out of business, everyone, including the songwriter, suffers.

It's been said there is no free lunch. There is no free music either. Is there a way for all to feel good about this? I believe education is the key. Once folks understand why and how these music licensing organizations work, they see the importance of their existence. Christine Hobbs, director of music at Saint John's United Methodist church, suggested that a little "grace" from both sides of the issue would help ease tensions and foster cooperation. With that thought, let's consider this little scenario:

Kathy Dyer, owner of Yesterday's Restaurant, 3602 Slide Road, pays a fee to ASCAP and BMI so that she may play a radio through the speaker system in her restaurant. Her patrons enjoy the easy listening channel she chooses. It "enhances" their dining pleasure.

The money she pays ASCAP and BMI eventually filters back, in the form of royalty checks, to writers and publishers in Lubbock, Texas. I am one of those writers and although my ASCAP check may be miniscule, I sometimes celebrate my good fortune by treating my family of friends to a bowl of soup and a salad at Yesterday's restaurant. If it's a "big" check from ASCAP, I might even burn some bucks on some beers and boot scootin' at Tommy's Place. I call it, "enhancing my life's experience."

Till next time. "Enhance" your life. Write a song!

P.S. Thanks to all who offered their invaluable and candid views about this complex issue of using music.

Thanks especially to Gloria Messenger of ASCAP, Mike Burk of Tommy's Place, Kathy Dyer of Yesterday's Restaurant, Don Caldwell studios, and Christine Hobbs of Saint John's United Methodist Church.

If you would like more information about ASCAP and BMI, you may write:

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