

Modern Deals

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These days record stores are filled to overflowing with new acts. Most are unknown to the public until radio airplay and store visibility make them popular, though in many cases what appears to be an artist's "debut" release may actually follow several lesser-known albums. How do new artists get recognition and record deals? Who is responsible for the development and promotion of an unknown artist?

While the record industry is certainly evolving in its way of doing business, some constants seem to remain. Although budgets have gotten tighter (irrespective of today's slow economic climate), labels are still willing to finance an artist that they believe will make money--in addition to seeing growth in the number of independently financed albums submitted for distribution deals. What follows are several case studies of the circumstances, and record industry machinations, that made "unknowns" into well-known recording acts, and some guidelines for bringing new artists into today's record industry.

Suzanne Vega

When the right management, production talent and contacts are brought together behind a new artist the result can be record contracts and international success. But success is rarely achieved overnight, and a well-constructed business plan can make or break the process.

It is 1982. Long time friends Ron Fierstein, a New York City attorney, and recording engineer Steve Addabbo decide to start an artist development company. AGF Entertainment is formed to manage and produce new artists, including playing an integral role in shaping the artists recorded sound. Considering their current careers, and past experience as working musicians, Fierstein and Addabbo feel well-suited to the task. They decide to concentrate on finding and developing a single artist.

In early 1983 Fierstein is introduced to, then secretary and struggling musician, Suzanne Vega. Attending a live performance, Fierstein and Addabbo are impressed with Suzanne's songs and invite her to record some simple guitar and vocal demos at their expense. Although Suzanne does not fit their original notion of a first client, Fierstein and Addabbo feel her songs are extraordinary and that she could be successful. She is signed to an exclusive management and production deal with AGF.

Musicians and songs are selected, and demos cut by Addabbo. Using contacts developed through his music attorney, plus a lot of simple persistence, Fierstein begins the process of "shopping" the demos to record labels. Initially, A&R people reject his demos repeatedly. At one point he gets a tape to Gil Friesen, then President of A & M Records, through a chance meeting with Cat Stevens' former manager. The tape is passed down to the A&R department and rejected.

AGF decides to work on developing a regional following for Suzanne, and she begins performing live with a band, rather than solo. Press attention increases, and a few labels send A&R representatives to her gigs. In mid-1984, after receiving additional demos and press clips from AGF, Gil Friesen sends NYC A&R rep Nancy Jeffries to hear Suzanne. Fierstein welcomes this interest with high hopes and meets Jeffries at the club. Ironically, this opportunity almost becomes a disaster when the opening act, hearing that an A&R rep is present, refuses to leave the stage. Jeffries leaves, fed up, but returns later in the evening and really likes Suzanne. However, she feels getting A & M to sign her might take some convincing, as Suzanne's material is hardly in fashion at that moment. They agree that it might help to suggest enlisting veteran Producer Lenny Kaye to lend some industry experience to the project. Ultimately, Nancy brings Jordan Harris, then head of A&R, to a gig and A & M decides to sign Suzanne, based on her clear artistic merit.

During this same period a review in The New York Times hailing Suzanne as "the new Joni Mitchell" catches the attention of David Geffen, who contacts Fierstein about signing Suzanne to his label (though Geffen's A&R had passed on her earlier). Fierstein now has additional bargaining power, but decides to go with A & M because of the relationship they had already developed. In November of 1984 AGF signs a "firm" two-album deal with A & M on behalf of Suzanne.

As is typical of a "recording fund" deal, AGF was given a budget (as an advance on royalties) to deliver a complete, finished package to A & M, while the label reserved the right of Producer approval. In this case, the album was budgeted at upwards of \$100K, with the stipulation that Lenny Kaye produce with Steve Addabbo. AGF handled every aspect of the album's production, including all administrative, artistic and financial management tasks.

“Suzanne Vega” was released in April of 1985. A & M had been one of several major labels Ron Fierstein had originally targeted for Suzanne’s music, but it had taken nearly two years to cut a deal (hardly unusual in the industry, as it turns out). The first album sold modestly, but Suzanne’s second album, “Solitude Standing”, with the major hit “Luka”, sold 3.2 million copies worldwide. Interestingly, only 800,000 of those were sold in the States, thus validating the label’s and Fierstein’s commitment to developing a worldwide promotion strategy. According to Fierstein, AGF felt from the beginning that “Luka” had “hit” potential, and when it did well on college and AOR (Album Oriented Rock) radio Charlie Minor, then head of promotion, began a Top 40 campaign which paid off.

Changes in personnel at record labels are quite common and can wreak havoc with artists signed to the label. Suzanne’s third album, “Days of Open Hand”, probably would have done better than it did, but for a major management upheaval at A & M which coincided with the album’s release. In addition, around the same time an unauthorized remix of her single, “Tom’s Diner”, by an unknown duo called DNA, began to appear in London. The remix used Suzanne’s original vocal over a dance rhythm track. When A & M got wind, they tracked down DNA and considered getting an injunction to prevent further play of the cut. However, indications were that this cut could become a big hit. With Suzanne’s agreement A & M bought the master of the remix from DNA and released it as “DNA featuring Suzanne Vega”. Although AGF and A & M realized that it might steal attention away from the recently released album, that risk turned out to be justified when the remix became a smash. In the end, according to Fierstein, the DNA episode was generally beneficial for Suzanne’s career, as well as earning her both songwriter and artist royalties.

AGF Entertainment now represents several artists, their second signing being folk/pop singer-songwriter Shawn Colvin (who Fierstein fortuitously “discovered”, on the tour bus, while Shawn was singing backup for Suzanne).

Paramount in the eyes of A&R executives are a concept and direction for the artist, and hopefully a management team already in action promoting the artist. An artist/management “package” is very attractive to record labels.

It is useful, if not critical, to have someone with credibility submitting tapes to A&R people. An attorney, manager, publishing company or record retail executive may serve this purpose.

Don’t neglect, or allow the record company to neglect, the huge international market when promoting and distributing an album!

The Triplets

This deal has more to do with record industry machinations than pounding the pavement. It exemplifies the arbitrary way deals can change, through no fault of the artist, manager or producer. However, an act with potentially wide appeal, particularly in new cross-over markets, can be attractive enough to overcome industry politics.

In mid-1989 Producer Steve Barri, now VP of A&R at Impact/MCA records, was working as a consultant for Capitol records. A demo of The Triplets (sisters Sylvia, Diana and Vicky Villegas) had been sent to A&R exec Tom Vickers, and was brought to an A&R meeting. At this time the Triplets were signed to Elektra as a “hard rock” act, based on their entry in the MTV Basement Tapes, but wanted to go in a different direction. In addition, they were doing a lot of studio and bilingual vocal work around New York as they speak fluent Spanish. Coincidentally, Triplets manager Steve Allen had also mentioned the group to Barri.

Tom Whalley, Capitol’s head of A&R, was interested in the group (the bilingual aspect was a plus for cross-over potential) and had Barri follow up with Steve Allen. The group was brought to Capitol for a live audition and everyone was impressed with their songs, personalities and charisma. However, just before contract negotiations for a Triplets deal began, Capitol president David Berman decided to leave. Tom Whalley was also considering leaving, and this was seen by Barri and Allen as a possible problem if the Triplets were signed to Capitol.

Since Barri had been given the option to shop acts elsewhere if Capitol was not signing them, he took the demo tape to Ed Eckstein, A&R at Polygram. Eckstein was interested, but had to wait for Capitol’s decision. By now the contracts at Capitol were ready to go, when Simon Potts took over A&R. Potts went to New York to see the Triplets live, but declined signing for Capitol.

Back at Polygram, Tom Vickers had moved from Capitol and also encouraged Ed Eckstein to sign the group. Polygram signed the Triplets to a five album deal. Eckstein and Allen asked Steve Barri to produce the first album, based on the early demo tape. The album, budgeted at over \$100K, was financed

through a typical “advance on royalties” deal. As is now common, Steve Allen and Tom Vickers are listed as Executive Producers because of their input in putting the project together.

“...Thicker Than Water” was released in March of 1991, and has sold over 200,000 copies, which is considered fairly successful for a first release (at least making back the recording advance). The first single, “You Don’t Have to Go Home Tonight”, went Top 10 on the CHR charts (Contemporary Hit, Top 40 format), while “Sunrise” reached the Top 10 on Adult Contemporary. After a year of promotion, the Spanish-language versions of the cuts are beginning to take off, with “Dancing in the Shadows” reaching the Latin Top 10 in early 1992.

Interestingly, at the time of this writing Barri felt that the best singles had not yet been released. One reason for this may be that tunes which were recorded later sound fresher to the A&R people, which removes emphasis from earlier tunes which had been considered potential “hits”. In support of the album the Triplets have also made two videos thus far, with the first single reaching the Top 10 on MTV and Top 2 on VH-1. A video will likely be made for the third single if it also moves up the Adult Contemporary charts.

Record labels are always looking for new ways to promote acts. Steve Barri cites the examples of Gladys Knight appearing on the Oprah Winfrey show, and VH-1’s airing of Bonnie Raitt’s videos from “Nick of Time”, as opening previously untapped markets for these artists.

These days videos can definitely enhance an artist’s recognition and sales. However, videos are not an end in themselves; they serve to support the songs, not replace them. Record companies do not expect independents to provide finished videos, and actually may prefer to produce videos for an artist after signing, thus retaining creative control.

Was (Not Was)

The stereotypical scenarios of bands getting record deals usually involve luck and perseverance (not to mention talent). Even when resources are available it may require exceptional measures to get that first break, and then, there is no guarantee of unconditional support.

Anyone in the record industry should recognize the name Don Was, particularly since his production of Bonnie Raitt’s Grammy-winning album “Nick of Time”. But Don’s namesake band, Was (Not Was), had less than stellar beginnings. As a struggling musician, with a family, in late-seventies Detroit, Don Fagenson was nearly destitute (to the point, says Don, that he was “considering robbing a drycleaner”). In a final, desperate attempt to garner some kind of musical success, Don contacted long-time friend and musical cohort David Weiss, then jazz critic for the Los Angeles Times. Together with business partner Jack Tann, and generous Sound Suite studio owner John Lewis, they recorded a single, “Wheel Me Out”, featuring David’s mother on lead vocal.

“Wheel Me Out” was unusual in its blend of an R&B dance groove with heavy metal and jazz, a combination that would become a signature for Was (Not Was). Don was sure that the single would go somewhere if he could just get it released, and he aimed his attack at Ze Records, a small label owned by Micheal Zilkha. As is often the case, he was stone-walled by the front desk secretary at Ze, and only David’s use of his LA Times credentials got their tape in to Zilkha. However, Don was still forced to hound Zilkha continuously for two months, even offering to forego payment to the band, just to get the single released.

Finally, Ze released “Wheel Me Out” and it got airplay and good press in Detroit. It also became a cult hit in England where Chris Blackwell, head of Island Records, signed Was (Not Was) to a single album deal. “Was (Not Was)” (which, incidentally, is Don’s favorite of their albums) was released in 1981, with a hit single, “Tell Me That I’m Dreaming”. But disagreements arose with Island over the band’s concept, particularly the use of several different lead singers, and Was (Not Was) was picked up by Geffen. Geffen A&R rep Danny Heaps, taking a significant career risk, signed them to a multi-album deal, with the release of “Born to Laugh at Tornadoes” in 1983.

Once again, however, disagreements arose between the label and band over their “direction”, this time focusing on the difficulty in promoting an R&B band led by two white guys and fronted by two black guys. Before their second album was finished Geffen dropped the band, so they went to England and signed with Phonogram where David Bates, head of A&R, viewed selling Was (Not Was) as a challenge. “What Up, Dog?” was released in 1988, using many of the tracks recorded for Geffen’s second album, with Producer Paul Stavely O’Duffy brought in by Phonogram to help smooth out the production. After the single “Walk the Dinosaur” went Top 10 in Europe, American label Chrysalis picked up distribution. Quite ironically, Kate Hyman, Chrysalis’ head of A&R, had been the receptionist at Ze records, years earlier, who had turned Don Was away. “What Up, Dog?” is the album most familiar to the public, but actually the band’s third.

By the time “Are You Ok?” was released on Chrysalis in 1990 the staff that had supported “What Up, Dog?”, and helped push “Walk the Dinosaur” and “Spy in the House of Love” onto the charts, had left the company, and promotion of the new album was virtually ignored. However, their remake of “Papa’s Get a Brand New Bag” went Top 10 outside the U.S.

Was (Not Was) was originally conceived as a vehicle for Don and David to get somewhere in the music business; “to make records together, but with better singers”. It has evolved into a true band, the key players having worked together for over 10 years. Surprisingly, though they have had several hit singles, Was (Not Was) has yet to make significant money. The lesson here is that hit singles do not necessarily generate financial returns; there must be an audience willing to buy albums. Unfortunately, Was (Not Was) on the whole does not fit the image of the people that buy dance singles like “Walk the Dinosaur”. On the other hand, Don and David Was still marvel at their ability to earn a decent living recording their music.

Do anything and everything possible to get demos or masters in the hands of A&R. To paraphrase Don Was, “deals are made when the right material comes to a receptive A&R person at a time when he or she is in a position to make something happen.” Be persistent; an act must have determination as well as talent.

Artists that are purely “hit single driven” are not as likely to have a long recording career, and require a great deal of initial promotion (on the order of \$250K for a new act). Labels would like to sign artists with long-term potential, though this is certainly not a rule.

Record companies are more interested in artists with a following. If the act shows a sizeable base of fans, from live performances or an independent release, labels will take notice (often local record company personnel will notify A&R people of a promising act). Likewise, demonstration of ability to sell lots of records regionally (in the tens of thousands) will get more attention.

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