

Choice cuts

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Though technically illegal, mixtapes are widely used to build a buzz about a song

By Vanessa E. Jones, Globe Staff, 8/14/2003

Clinton Sparks is explaining how the music industry helps him concoct mixtapes, the CDs stuffed with freestyle raps, remixes, and future R&B or hip-hop hits. "This is the perfect example," he says, ripping open an envelope in his basement home studio in Norwood. In his hand is a CD submission from Elektra's rap promotions department: two new songs by Fabolous.

Too bad Sparks doesn't have permission to use the copyrighted material. But the record executives, producers, and artists who send him and other DJs the contraband will blithely ignore the infraction. After all, they depend on mixtapes to create "a buzz on the single before a single goes to radio," says Courtney Powell, Elektra's director of rap promotions and street marketing. To achieve that buzz, Powell will pass one song to 100 mixtape DJs nationally.

Here's how it works: The CDs introduce new music to "the streets," the mythical term used to describe the hard-core fans who make or break careers. If the streets pronounce a mixtape song hot, it begins a months-long journey that continues with club exposure and ends with radio airplay that can help an artist grab the ultimate brass ring: a mainstream hit. See 50 Cent's "Wanksta" and Joe Budden's "Pump It Up" for two recent examples of the mixtape-to-chart-topper phenomenon.

The music compilations have been around since hip-hop's birth in New York in the 1970s, when DJs recorded street parties showcasing their skills on the steel wheels and sold the cassettes in stores for \$20 apiece. The name stuck even as CDs replaced cassettes and the record industry insinuated itself into the scene. These days, they're hip-hop's dirty little "secret." Illegal, yes, but integral as well.

The genre launched the careers of rappers Fabolous, Biggie Smalls, DMX, Ma\$e, and 50 Cent, whose appearances on mixtapes translated into a multiplatinum major-label debut with this year's "Get Rich or Die Tryin.'" DJs who are kings of the field -- Kay Slay, Envy, Green Lantern, Whoo Kid, Clue -- have become celebrities with record deals at Epic and Columbia. Even P. Diddy, Snoop Dogg, Jay-Z, and Busta Rhymes dabble in mixtapes to stay relevant.

"When you become a multiplatinum artist you want to make sure that you don't lose step with the people who made you a star," says Elliott Wilson, editor in chief of the hip-hop magazine XXL. "Giving them this material definitely is a way to get that respect from that community."

Into the mix

For local radio DJs Sparks, Chubby Chub, Statik Selektah, and Roy Barboza, mixtapes are the calling cards passed out to snag an international array of club gigs. They're so popular MTV's hip-hop show "Direct Effect" follows the scene with its weekly "Mixtape Mondays" segments. ESPN and Reebok use them as marketing tools. And people in the industry consider them such an important news source, "I literally buy 50 mixtapes a week," Wilson says.

Where do you purchase them? Everywhere, it seems. Online at mixtapesusa.com, buymixtapes.com, or mixtapekings.com. On street corners from the neighborhood bootlegger. Inside mom-and-pop record stores, barbershops or jewelry stores, in Roxbury, Mattapan, Dorchester, or Jamaica Plain. "In order to compete in the marketplace, I think every [record] store has to have mixtapes," says Skippy White, owner of eponymous record stores in Jamaica Plain, Cambridge, and Providence, which sell

the CDs for \$10. "I think at the beginning we used to keep them under the counter, but now I just put them out on display."

Blame the popularity of the genre on a multitude of factors: the high price of CDs, the lack of strong musical product, the disappearance of the single. "People get disgruntled that there's not enough albums that are really consistent and good," Wilson says. "The mixtape gives you all the hip songs on one CD . . . and the price is so cheap, it's more [cost] effective to the consumer."

Enforcement issues Mixtapes have left everyone happy -- except for executives at the Recording Industry Association of America. In its eyes, they're as illegal as counterfeit and pirate CDs. DJs are arrested for reproducing and distributing them; stores in Lawrence and Downtown Crossing have been recently raided for selling mixtapes and counterfeit CDs.

It doesn't matter if the record industry helps the scene thrive, says Frank Creighton, RIAA's executive vice president and director of anti-piracy. "Just because somebody in the promotion department or marketing department gives [DJs] a CD and they turn their back on what they're doing with it doesn't mean what [DJs] are doing is legal," he says. It's an upstairs/downstairs predicament that has the business side of the industry objecting to copyright infringements while the creative side wallows in the benefits.

Complicating the issue is the fact that the mixtape arena extends beyond professional DJs, who string songs together uniquely and stamp their mixtapes with the words "For promotional use only" to show they're not profiting from the discs. There are also hungry Internet or basement DJs with no record industry contacts who download MP3 files, blandly bind them together, and sell them. Mixtape DJs generally consider the latter group scoundrels.

"Those are the DJs that need to be cracked down [on]," says Barboza, a DJ at JAM'N 94.5, who released his mixtape "Hold Your Position Vol. 3" in May.

Sparks, 25, presses a button in his Norwood studio and begins playing the music that got him crowned last year's "New Mixtape DJ of the Year" at Justo's Mixtape Awards, the Grammys for the mixtape set. Erupting from the speakers is the intro to "Get Familiar Vol. 8," the mixtape he released last month.

It kicks off with a cry of "Get familiar!," the ID repeated throughout the CD that tags the work as a Clinton Sparks creation. Then it collapses into a one-minute-and-45-second wall of sound. You hear a verse from Pharrell Williams's single "Frontin'," Beyonce singing, "It's a funny thing for me to try to explain," from "Crazy in Love," and a rumble of bass from Eminem's "The Real Slim Shady." It's the result of 16 hours spent cobbling together 50 hits.

A different approach

Sparks's aim is to aurally smash the competition. "So I do a lot of cutting and tricks and blends and stuff on my CDs," he says. He creates complicated intros that most DJs don't bother to duplicate. And most importantly he sprinkles "Vol. 8" with never-heard-by-the-public songs called "exclusives" by Ludacris, Mobb Deep, and 50 Cent and Lloyd Banks, a member of 50's G-Unit crew who is being groomed for a solo career. "My goal is to have the songs first," he says.

Sparks describes himself as a producer who stumbled upon mixtapes as a way of taking his music to the masses. Five years ago he started DJ-ing; he works at Hot 97 WBOT-FM, has a show on XM Satellite Radio, and is syndicated on 40 radio stations nationally. Three years ago he started making the mixtapes that have garnered him gigs from Canada to Australia. He's trying to transform into a brand name, a hip-hop Martha Stewart, by launching a rap lifestyle website (mixunit.com), promoting, and producing.

With "Vol. 8," Sparks claims to do what no DJ has done before by adding self-produced songs to the

mix. He lured rappers Clipse, Mobb Deep, and Budden to his closet-size recording booth in Norwood to lay down tracks. He even manages to get 50 Cent, the rap superstar everyone in the music industry wants to work with, to host the proceedings, just as he did on "Vol. 7," released in April.

How does Sparks make this happen? It's all about hustling, says the Dorchester-born DJ. He constantly asks artists, producers, and record labels to slide him some raps or some songs to make his projects shine. They kowtow because DJs help decide which songs reach radio airwaves.

Here's how Chubby Chub, a Hot 97 DJ, got the "exclusives" for his first mixtapes in a year, "Mr. Heat Rocks Vol. 1" and "Mr. Heat Rocks Vol. 2." He contacted the influential friends he's made as Jay-Z's DJ in the mid-1990s and as a former mixtape king in New York. They now make today's most sought-after music: celebrity producers Timbaland and Pharrell Williams; Sha Money XL, president of 50 Cent's G-Unit Records; and executives at Jay-Z's Roc-A-Fella Records.

Major players in the industry eagerly offer their songs because it saves them from watching pristine versions of their upcoming releases multiply on the Internet and get sold as bootlegs on the street, says Wilson. "Nobody can copy [mixtape songs] or try to sell [them], because [DJs] are speaking over the music."

But the high level of participation doesn't make it right, says the RIAA's Creighton. "It's probably not taking place with the knowledge or authorization of the legal and business affairs departments of record companies," he says. Promotions directors such as Elektra's Powell avoid the knotty issue of propriety by saying the onus is on the DJs to make sure their use of songs is legal.

For all the sturm and drang, fewer than a dozen DJs a year have been arrested for making mixtapes, says Creighton. In comparison, at least a hundred stores a year are raided for selling unauthorized CDs and, increasingly, mixtapes. Experienced DJs avoid trouble, Creighton explains, by distancing themselves from the reproduction and distribution of their master CDs. But the threat of arrest is very real. At last month's Tech.nitions DJ conference in Las Vegas, Sparks says DJ Rectangle of Los Angeles complained about being jailed for several days while the record companies who fed him songs did nothing to help. If convicted, first-time offenders can face up to five years in jail and \$250,000 in fines, which explains why Creighton urges DJs to negotiate song rights. Sparks is working on it. He's talking to record labels about getting letters of permission to use songs. But the process mangles the one thing that makes mixtapes special -- their speed at getting music from artist to consumer.

"If you're putting out a mixtape and you have to contact every publisher, every label, it will take you like a month to put the CD out," Sparks says. "By that time Kay Slay has already put out two CDs. What we're trying to do now is figure out how to go through that process expeditiously."

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