Keeping the records straight

When the hits are played, but their makers aren't paid, royalty hunter Jon Hichborn steps in

By Geoff Edgers, Globe Staff, 6/26/2003

EXETER, N.H. - Soupy Sales needed help. The comedian, known for the pies thrown on his popular kid's show, made several records at the height of his 1960s fame. Years after they fell out of print, he noticed a record company had released a CD compilation of the material. Was anybody going to pay him?

His son, a musician, told Sales about a guy in New Hampshire who might listen. Sales placed a call to Jon Hichborn.

So what if the CD had reportedly sold only a couple hundred copies? That's not the point. In an industry that treats discarded talent like spoiled milk, Hichborn is an anomaly. He works to get artists royalties they are owed. He doesn't care if you're a one-hit wonder or dead bluesman. Just as long as you feel you've been cheated.

"He's an honest man with good qualifications," says Sales. "He's going to get the money."

There is no official title for what Hichborn does. He's a music bounty hunter, searching out decades of record business misdeeds on behalf of Dr. John, the late bluesman Robert Johnson, and a stable of "where are they nows."

"Royalty tracking, as an industry, has become increasingly important in the electronic age, when well-known songs are sampled for commercials, thrown onto cheap CD compilations, and even used for video games. It's up to Hichborn to make sure the original artists get paid.

There can be considerable money at stake. A publisher is supposed to be paid 8 cents per song
for each copy sold. The writer then receives his share from what he's agreed to as part of the deal. That can add up on a hit soundtrack or greatest hits compilation.

"The record industry is a swamp of disappearing money," says guitarist Bryan Bassett, a member of Wild Cherry when it recorded the 1976 number one hit, "Play That Funky Music." "You rarely find somebody interested in helping you get some of it back. It was a breath of fresh air to meet Jon."

He is a one-man reparation operation, ready to right the music royalty wrongs - for a fee, of course. In the last decade, he's been hired by a range of clients, including Dr. John, Foghat, and - in his biggest deal - the estate of bluesman Johnson.

"I find it very sad that the people who really deserve the money the most are the ones that don't have it," says Hichborn, 42. "They created these wonderful recordings, and because of ignorance when they were young, they took bad advice."

No heroes or villains

Hichborn calls his business Records on the Wall, which makes sense since shiny discs decorate his home office here. The gold and platinum LPs, for "The Breakfast Club" and "Miami Vice," are from his time on the inside. At Universal Studios, in the 1980s, Hichborn supervised music for television, video, and film recordings for the company.

This is where he learned about copyright. Hichborn discovered that Universal couldn't just throw a song into a TV show, even if it was used merely in the background as Michael Knight and his talking car, KITT, headed to the scene in "Knight Rider." When he could afford to, Hichborn paid for permission to use the original recording of a song. If that cost too much, he supervised rerecordings.

It was also at Universal that Hichborn developed a thick skin. He lost his job in 1988 when Kerry McCluggage took over Universal and brought in his own staff. But McCluggage made a request. Hichborn had been coaching the Universal executive softball team. McCluggage, who played third base, asked if he could remain.

"It was a business," Hichborn says. "And I still had a very good rapport with him and felt there were some things he could help me with."

Coaching the Universal team didn't lead to a specific job, but it highlights Hichborn's practicality. He doesn't burn bridges because he never knows when he might meet a former colleague again at the negotiating table.

To hear Hichborn tell it, the music business isn't about heroes and villains. It's about misinformation and misunderstandings, about musicians and producers who don't intend to cheat anyone. They just don't know where to send the money. Rock groups break up, members fall out of touch. Sometimes, it's hard for a

http://boston.com/dailyglobe2/177/living/Keeping_the_records_straight+.shtml
record company to know whom to pay and where to find them.

"A lot of it is not outright stealing," says Hichborn. "A lot of it is not having a clue on who represents a particular song, and there are lots of bootlegs. For Dr. John, it's a very slow process because it's about 40 years of abuse."

**Back on track**

Hichborn started in this business by chance, answering an ad in Billboard magazine looking for somebody to help with tracking royalties. The client turned out to be the estate of Robert Johnson.

Hichborn knew the rough story of Johnson's life. That, as legend has it, he sold his soul to the devil at the crossroads in order to play music. That he died at the age of 27 - many believe he was poisoned. That he had recorded only 29 songs but that his music is considered the foundation of the blues, recorded by everyone from Eric Clapton and the Rolling Stones to Jeff Healey and Cowboy Junkies.

Hichborn learned something else as soon as he began investigating. Johnson's catalog was a mess. That's where his main tool came in: the tracking system.

He built a computer database containing every recording, every release, every variation of Johnson's work. Many of Johnson's songs had been recorded under multiple names. "Sweet Home Chicago" became "Aw Aw Baby" or "Sweet Home Tennessee." On "The Blues Brothers" soundtrack, it was even credited erroneously to somebody named Woody Payne.

The database Hichborn built allowed him to look up any song, cross reference it with alternative titles, and chart each new recording. This took on greater importance in 1990, after Sony released "The Complete Robert Johnson Recordings" and the two-disc set quickly sold 500,000 copies. Back then, many record companies believed the songs were in the public domain. Until Hichborn called.

Records on the Wall Inc., co-owned by his wife, Lisa, works in several ways. Some bands don't want or need a complete database like the one Hichborn built for Johnson. They have only one song they feel they should be paid for. Justice can be achieved with just a phone call. Often, a record company has been holding royalties with no idea how to reach long-retired band members.

Or, as in the case of Dr. John, Hichborn talked with the artist, learned that the pianist had played guest spots on many albums without payment or credit, and began to search out the evidence.

Today, Hichborn will typically build and maintain a database for about $400 to $2,000 a month. He does it from his home in New Hampshire, where he and Lisa moved so their kids wouldn't grow up in Los Angeles. (They still maintain an office in Woodland Hills, Calif.)

Bill Stafford, the vice president of copyright at BMG Entertainment, hasn't heard any less from Hichborn now that he's on the East Coast.

"He'll call every day if he has to," says Stafford. "He'll raise his voice, but he'll usually come back with, 'I know it's not you personally; however, your company is doing this. If you were the writer of those songs, wouldn't you want to get paid?'"
As the word gets out, Hichborn finds his client list growing.

Hichborn signed up former Fleetwood Mac member Bob Welch, best known for "Sentimental Lady" and, through him, met drummer Hunt Sales, who played in one of Welch's bands. Hunt told his father, Soupy, about Hichborn.

Hichborn met Foghat because it recorded a Robert Johnson song. The band then hired Hichborn to recover royalties. Same for Wild Cherry, whose onetime guitarist had been touring with Foghat.

One of Wild Cherry's members got the word to Spiral Starecase's Harvey Kaye.

Back in 1969, the band had a big hit, "More Today Than Yesterday." But Kaye, who played organ, says it never got a cent. After six months of touring, its manager told members they were $30,000 in the hole. Six months later, the Starecase was no more.

Earlier this year, Kaye called Hichborn.

"I said, 'Jon, I'm Harvey, an original member from Spiral Starecase,'" says Kaye, who today runs an entertainment production company in Las Vegas. "I never got my money. Can you get it for me?"

The band's hit had been widely used. One of the places it appeared was on the 1991 soundtrack for "My Girl." It turns out Sony was holding the royalties but didn't know where to send the money.

This summer, Kaye and his former partners received their first checks, which have totaled more than $10,000 apiece.

"If it was 50 bucks I'd be happy," says Kaye. "We just wanted to get some of what we had coming."

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