

JACKIE O.'S BAUBLES ROOF GARDENS MIZRAHI & MUSTO

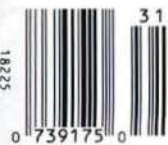
\$2.95 • JULY 31, 1995

NEW YORK

As Jimmy Hoffa Jr. tries to take back the Teamsters in his father's name, Teamster boss and liberal hero Ron Carey tries to duck charges that he's got mob pals of his own—and America's most notorious union realizes that killing a man doesn't make him dead

HOFFA LIVES!

**A special investigation by
Jeffrey Goldberg**



Contents July 31, 1995

"I've walked around with an olive branch in my hand,
and I'm tired of having it shoved up my ass."

RONALD CAREY, PAGE 26

26 Tales of Hoffas

By Jeffrey Goldberg



An epic battle is shaping up over who will lead the Teamsters, the largest union in the AFL-CIO, into the next century. On one side stands the much-heralded reformer Ronald Carey; on the other, James P. Hoffa—a.k.a. Jimmy junior, son of the legendary strongman who hasn't been seen since July 1975. Twenty years later, can the Teamsters extract themselves from the shadow of Hoffa's ghost? An exclusive *New York* investigation.

36 A Garden in Every Pot

By Anne Foxley and Phoebe Eaton



Stylish urban horticulturist Rebecca Cole specializes in the garden as modular installation, a method that simultaneously accommodates awkward spaces, mutable tastes, and the concerns of landlords. From Potted Gardens, her tiny shop on Bedford Street, Cole fills city-dweller rooftops and decks with elaborate, meticulously crafted assortments of plants, bushes, and trees rooted in containers she calls fabulous junk: old shoes, fire buckets, washtubs,

wooden crates, cracker tins, oilcans—many gathered by the homeless people the designer describes as "my friends from the street."

40 Q&A: Cinema Garmento

By Michael Musto

Douglas Kieve's *Unzipped*, a new documentary about Kieve's ex-boyfriend Isaac Mizrahi, the designer and professional fabulous person, is a wildly farcical and occasionally touching insider's look at the fashion industry. Off camera, the pair expound upon the things in life that really matter: *Pocahontas*, the meaninglessness of existence, and—inevitably—Hugh Grant.



JULY 31, 1995—VOL. 28, NO. 30. Second-class postage paid at New York, New York, and additional mailing offices. Editorial and business offices: 212-880-0700. POSTMASTER: Send address changes to *New York*, Box 54661, Boulder, Colorado 80322-4661. Subscription rates in the U.S. and possessions: 50 issues, \$42. For subscription assistance, write Joseph Oliver, *New York Magazine*, Subscription Department, Box 54661, Boulder, Colorado 80322-4661. Or call 800-678-0900 or 212-447-4749. Printed in the U.S.A.

Cover: Photograph by UPI/Bettmann.

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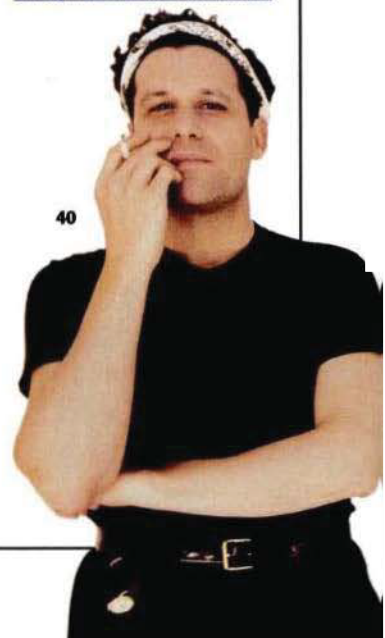
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The Secret of the Tapes

Are tapes of Elvis, Dylan, and others found in a storage locker worth millions?

The answer speaks volumes about the entertainment business's current obsessions.

THEY DON'T LOOK like much, mostly thin white boxes holding old-fashioned reel-to-reels, with pencil scrawlings on the outside. But

Clark Enslin and Martin Burke think they're going to get rich from what they call the "lost warehouse tapes," a cache of long-hidden recordings from the likes of Bob Dylan and Elvis Presley.

In a way, it's hard not to root for them—regular guys who figure they've stumbled onto the nineties version of buried Spanish doubloons. And according to the state religion of the media and entertainment industries these days, they have indeed tapped into the mother lode. *Content! Copyrights! Intellectual property! Elvis!*

We'll put it on the Internet! Start a cable channel! Sell it to the Japanese! Enslin, whose company is currently digging out from bankruptcy, values the trove at "in excess of \$200 million." Burke's estimate is more conservative—in the tens of millions. But turning the tapes into cash is not going to be so simple.

For one thing, the two are hardly insiders. Enslin, a fringe player in the music business, and Burke, who works with troubled companies (past projects include Herman's Sporting Goods and Conran's Habitat), are the new owners of more than 2,000 original studio tapes that Enslin bought for \$6,000. The previous owners had picked them up for fifty bucks from a man who'd missed a payment on a self-storage locker.

In what they try to portray as a David-vs.-Goliath story, they've just survived a four-year legal fight with Sony Music and won ownership—physical ownership, anyway—of what they say are outtakes recorded at Columbia Records's recording studio in Nashville in the fifties and sixties: unreleased songs by Presley, Dylan, Hank Williams, Frank Sinatra, Louis



Armstrong, Tammy Wynette, Johnny Cash, Buddy Holly, Roy Orbison, and on and on. This puts them in a unique position, since nearly all the recorded music in the world is controlled by just six massive conglomerates.

The glib, incessant, simplistic refrain in the media and entertainment worlds is that "content is king." Distribution systems like TV sets and movie theaters and videocassettes and wires of all kinds are deemed a rat hole of a business. They're expensive to build, and those that aren't stillborn are soon obsolete.

Content, goes the conventional wisdom, just keeps getting more valuable however it's delivered. There is said to be an insatiable demand for more "product"—wallpaper to plaster over the bare walls of 24-hour cable channels, the ravenous Internet, telephone companies that want to feed us video, billions of Chinese people dying to watch *Baywatch*. And Bill Gates is buying rights to all those paintings.

By this reckoning, Time Warner chairman Gerald Levin is a clueless, world-class dope, loudly derided for spending

billions on cable and interactive-TV "hardware" rather than single-mindedly focusing on content. Ted Turner is thought to be a Gump-like genius for having bought the dusty old MGM film library and built cable networks out of it. Disney found bliss by awakening its sleeping beauties of feature animation. Movie studios such as Paramount and MCA are all of a sudden immensely valuable, largely on the strength of their stockpiles of copyrights. *Content!*

But Clark Enslin and Martin Burke may well have unearthed fool's gold. The voguish obsession with content is overblown, and their goofy story illustrates some of the reasons why.

The tapes themselves were supposed to have been erased. The traditional practice was that outtakes were wiped clean and sold at a nominal price as raw stock to the engineers, who could reuse them. One such engineer began hoarding what has become the Enslin-Burke tapes, thinking they were blank. He stashed them in a storage facility, where they sat for years. Normally, they would have deteriorated, but the procedure for preserving these tapes is to "bake" them at high temperatures, and this is exactly what happened serendipitously in the Tennessee heat. Then the engineer missed a payment and a local couple paid \$50 for the tapes at a warehouse auction. By that time, Sony had acquired Columbia. The couple tried to sell the tapes back to Sony without success, and Enslin bought them in 1991.

Enslin had previously been occupied with such projects as an Australian comeback album for the Village People, and his early efforts to profit from the tapes were ham-handed. He contacted, for example, Jeff Rosen, Dylan's representative, and played for him

eight or nine alternate takes from *Nashville Skyline*.

Not a good idea: Dylan's people wouldn't talk, but one individual familiar with their thinking said, "It's like someone stealing your Cadillac and trying to sell it back to you." One catalogue specialist for a major record company says he gets calls periodically from characters who say they "found some tapes in a garbage can." He'll generally horse-trade, taking back the tapes and in return offering a few free CDs, maybe a boxed set or two. If someone tries to hold him up, he tells him, "Have a nice life."

Sony filed a lawsuit against Enslin and his company in 1991, and at one point, a judge sent out the marshals to seize the tapes for Sony. (Enslin says he had secreted them in Argentina.) Then he sought bankruptcy protection for his company, and Sony had to contest the ownership of the tapes yet again. Then the judge brought in Burke to act as Enslin's agent. For 40 percent of the take, Burke has to find value in the tapes and exploit them.

On its face, this looks easy. Lately, record-company archivists have scurried to compile fancy boxed sets of reissues and unreleased material to sell at Christmas. But older material needs to be jazzed up with value-added packaging: RCA's upcoming seventies Elvis package will contain a 94-page booklet, an "extensive essay" by Dave Marsh, 120 tracks, and a set of "collectible stamps." And this is for the biggest cultural icon in American history.

"There's a lot of content that isn't worth much. You need to be able to build businesses around it, and you need to have branding," says Scott Sassa, president of Turner Entertainment. Not only do you need the right distribution, but then you need snazzy marketing. The reruns on Nick at Nite and the oldies on Rhino Records were ignored for years before these companies figured out how to make kitsch cool. But they're the exceptions.

There's another way to sell these things—at gunpoint—and that's the dirty little secret of Hollywood's film libraries. "Buy these 99 pictures," a salesman will urge at one of the many acronymed conventions in the south of France for selling film packages to overseas TV, "and we'll throw in our new jillion-dollar box-office blockbuster." The trouble with Universal's vaunted \$2 billion film library is that *Abbott and Costello Meet Frankenstein* wouldn't sell without *Apollo 13* as the booster rocket. That's why Turner bought New Line and Castle Rock: to make new movies to bundle with and thus spiff up the old stuff.

So Enslin and Burke will have to do business with the big guys. They also need the majors for legal reasons: Earlier this

month, the judge awarded *physical* ownership of the tapes to Enslin and Burke, but copyright ownership is still held by the record companies that commissioned the recording sessions in the first place. (Sony holds an estimated 30 percent.)

The two can't release any of the tapes without the record companies' permission. Burke hopes the companies will be his partners in releasing the material, sharing the profits. If they won't, he says, he'll sell the tapes to collectors. This could be an unappealing option for the companies, because at some point the tapes will surely fall into the hands of bootleggers in Italy or someplace with slack copyright laws. That's his leverage, and Burke says he's talked with several auction houses about putting the tapes up for sale.

The collectors' market, however, is iffy at best. "Unless there are some truly amazing performances, the tapes themselves are probably worthless unless they're sold to bootleggers," says Jeff Tamarkin, editor of *Goldmine*, a magazine for music collectors. Are there amazing performances? Burke played several things for me, all high in clarity: a Roger Miller song (Roger Miller?); Roy Orbison singing "I Love You Most of All Because," which Burke says is unreleased; and alternate takes of Dylan's "One More Night" and "I Threw It All Away" from *Nashville Skyline*, with different tempos and styles, which sounded pretty great. But people close to Dylan say they already have alternate takes of much of Dylan's material. The Elvis people at RCA seem similarly unimpressed.

Enslin and Burke say that even if Elvis, Inc., and Dylan are dismissive and standoffish, other artists and their estates will be only too happy for the opportunity to earn extra royalties in return for rights to use their names and likenesses. And they claim the record companies have been all over them. But many record executives think Enslin and Burke will only make a few thousand here, a few thousand there from collectors and maybe, in some cases, from record companies. Some of these songs could be "bonus tracks" on compilations. Much of this depends on what's actually on the tapes. Enslin and Burke have listened to only a small part of it, and Sony grouches that the lack of a complete list signals that there's less there than meets the eye.

Whatever happens, Enslin and Burke should probably heed the advice of Larry Cohn, a music producer at Legacy Recordings. "These guys," he says, "should go out and get themselves a really good lawyer." Last week, they did just that—and now all they need to peddle their content is one of those unglamorous, expensive distribution systems. ■

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