

**RACE, ROCK AND ROLL, AND THE RIGGED
SOCIETY: THE PAYOLA SCANDAL AND THE
POLITICAL CULTURE OF THE 1950S**

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On February 1, 1960, students in Greensboro, North Carolina, held a sit-in at a Woolworth's lunch counter in a demonstration much heralded in the annals of civil rights history. This momentous confrontation with racial segregation invigorated the African American freedom struggle and would substantially change the lives of blacks and whites throughout the South and the United States. A week later, on February 8, a seemingly unrelated event occurred in Washington, D.C. On that day, a committee of the House of Representatives convened public hearings on the subject of payola in the broadcasting industry, a practice that involved illicit payments to get music aired on radio and television programs.

Contemporary coverage of each made no mention of the other, and on the surface it was hard to see the connections. Yet the struggle for racial change, which inspired the sit-ins, also helped shape seemingly nonracial issues such as business ethics in broadcasting. In this case, rock and roll, a musical form that traced its origins to African Americans, became a surrogate target for opponents of civil rights in the South and for those who feared increasing black cultural influence over American youth throughout the country. The increased visibility of the black freedom movement, marked by the Supreme Court's 1954 ruling in *Brown v. Board of Education*, the 1955 Montgomery bus boycott, and the 1957 Little Rock school integration crisis, encouraged supporters and critics alike to find racial dimensions in political arenas not usually considered under the category of civil rights. Heightened racial agitation

produced a highly charged atmosphere and the political and cultural fallout from these explosive issues landed in unexpected places.

The payola scandal of 1959–1960 was also part and parcel of the political culture of investigation that characterized the 1950s. Congressional committees served as the main vehicle for inquiry, and the new medium of television brought the drama of confrontation between scolding lawmakers and defensive witnesses into millions of homes. Though the need for corrective legislation provided the rationale for these inquiries, the impulse toward exposure and demonization drove them forward. Anticommunist inquisitions by the House Committee on Un-American Activities, Wisconsin Senator Joseph R. McCarthy, and Senator James Eastland of Mississippi have drawn the greatest attention from historians, furnishing textbook representations of the political tensions of the postwar period. Their importance notwithstanding, they formed only part of a larger structure of popular investigation. These included inquiries led by Tennessee Senator Estes Kefauver into organized crime and juvenile delinquency, John McClellan of Arkansas and John F. Kennedy of Massachusetts into labor racketeering, and Arkansas Representative Oren Harris into television quiz shows.¹

Within the context of this culture of investigation, narrow economic rivalries and broad social tensions fueled the payola inquiry. Initially, charges of fraudulent payments for airplay on radio stations arose out of a power struggle between two competing agencies inside the business. The internal conflict between the American Society of Composers, Authors, and Publishers (ASCAP) and Broadcast Music International (BMI) over control of publishing and performance royalties escalated into an attack by the more tradition-oriented ASCAP on BMI-associated rock and roll music.

What started out as an internecine economic battle, however, soon took on the trappings of race. Following the landmark *Brown* decision, southern segregationists embarked on a campaign of massive resistance to racial equality that included attacks on black-inspired rock and roll. Joining them were northerners who believed that rock and roll, identified with working-class black and white youths, eroded middle-class values and standards of sexual conduct, thereby threatening the morality of their sons and, more important, their daughters. Congressional probes of payola gave voice to the economic and aesthetic complaints of music-business professionals as well as to fears over the erosion of racial and class boundaries by middle-class parents and their congressional representatives. The fact that the payola investigation did not continue as a significant component in the struggle over racial equality was a consequence not of the retreat by white politicians and their constituents,

but rather of mass mobilization of black youths and their white allies, which shifted the battle from Congress and radio stations to the streets of America.

The practice of payola did not suddenly spring up with the appearance of rock and roll; it had a history as long as commercial, popular music. *Variety*, the music trade newspaper that first coined the term payola, reported in 1914 that vaudeville singers “tell the publisher what they want to sing, how much a week they must have for singing the song or songs, and if not receiving a stipulated weekly salary, think nothing of asking for an advance.”² Although the shape of the music business changed over the next several decades, undisclosed commercial transactions for performances remained a constant. The growth of radio in the 1920s and 1930s brought live broadcasts and the possibility of reaching millions of listeners in a single sitting. Given this potentially wider audience, popular bandleaders commanded higher payments than had their vaudevillian predecessors.³

In the 1950s, the cast of characters changed, but payola persisted. The development and widespread appeal of television altered the character of radio. Live broadcasts of musical concerts virtually disappeared and programs of recorded music replaced them. Disk jockeys took over from bandleaders as maestros of musical selections. The decade also witnessed a proliferation of small, independent record companies that competed with the six majors (Columbia, Capitol, Decca, RCA, MGM, and Mercury) for airplay. The advent of 45 rpm single records, whose sale price was much cheaper than 33 $\frac{1}{3}$ long-playing albums, inflated the number of records in circulation, increasing competition even further. Disk jockeys stood as gatekeepers in choosing songs from the burgeoning supply of records sent to the stations. What *Variety* called the “time-dishonored standard operating procedure in the music business,” payola, now centered on payments from record companies and their distributors to disk jockeys.⁴

Throughout its considerable history, payola had spawned campaigns, largely unsuccessful, against it. For all the criticism it generated, payola was not a crime. No federal statute outlawed the practice, and the closest it came to a criminal offense appeared in state commercial bribery laws.⁵ The main effort to combat payola came from elements within the music business. Spearheaded by *Variety* in 1916, the Music Publishers’ Protective Association was formed “to promote and foster clean and free competition among music publishers by eradicating the evil custom of paying tribute or gratuities to singers or musicians.”⁶

In the early 1950s, when the issue resurfaced amid the postwar obsession with moral decline and the growing prospects for racial change, *Variety* again

led the campaign. In July 1954 the trade newspaper launched a series of editorials condemning the practice. The editors declared, "the music biz payola had reached ridiculous and dangerous proportions," and concluded, "it's about time it was curbed." Speaking for the denizens of "Tin Pan Alley" in New York City, where established music publishers and songwriters congregated, they raised a concern that would be repeated frequently in the years to come. "Private side-changing chicanery," as *Variety* referred to payola, lowered the quality of songs and decreased the likelihood that truly talented stars would get heard.⁷

The trade paper left little doubt about its taste in music. In February 1955, *Variety* issued a "Warning to the Music Business." Upset over the growing popularity of songs with sexually suggestive "leer-ics," the paper called for the industry to impose some self-restraint or face unwanted federal regulation. Their real target was rock and roll, which had burst on the scene during the previous few years and appealed almost exclusively to young people. Considering rock and roll a "raw musical idiom . . . [that] smell[ed] up the environment," *Variety* condemned its "hug" and "squeeze" lyrics for "attempting a total breakdown of all reticences about sex."⁸ These comments reflected the disdain traditional segments of the music business and the adult public held for rock and roll; opponents assumed that such inferior music could push its way into the marketplace only through the connivance of payola.

Historians do not dispute the existence of payola, but its significance lies in its political linkage with rock and roll and race. Rather than simply an objectionable business practice of interest mainly within the recording and broadcasting industries, payola became, for a short time, a heated subject of public debate. It involved more than private morality and individual greed and moved beyond the pages of trade paper whistle blowing. Following the *Brown* decision, the Supreme Court's clarion call for racial equality, payola became a topic for public scrutiny because it coincided with growing anxiety about the nation's youth and racial minorities. The association of rock and roll with these two groups turned the music from just another in a long line of popular, juvenile fads into a subject of intense national inquiry.

The behavior of teenagers had already aroused serious apprehension. "Never in our 180-year history," *Collier's* remarked in 1957, "has the United States been so aware of—or confused about—its teenagers."⁹ The political response to this concern had already appeared in congressional hearings. In 1955, Senator Estes Kefauver, who had earlier investigated adult criminals, convened a legislative inquiry into the causes of juvenile delinquency. James Gilbert, the leading historian of this subject, concluded that "the delinquency

hearings, the attack on youth culture, the crusade to censor culture expressed a deep malaise at what was emerging during the 1950s: a vastly different order of social, sexual, and cultural practices.”¹⁰ The perceived erosion of parental authority had serious implications for the vitality of the nuclear family during the Cold War period when domestic harmony was considered the first line of defense against Communism.¹¹

The Kefauver Committee underscored the extent to which rock and roll had become contested ground between parents and their teenage offspring. Worse than its lack of aesthetics and professionalism, rock, according to its critics, was spreading antisocial, working-class values among America’s youth. The words of the songs, even when they were cleaned up for popular radio consumption, combined with the throbbing sounds and pulsating performers, opened the way for sexual expression deemed unacceptable in polite society. Even if the emergent music did not turn unsuspecting middle-class youngsters into depraved delinquents, it might lead them down that path. As Jeff Greenfield, a New York City teenager in the mid-1950s, remarked, rock and roll spread the message “that our bodies were our own Joy Machines.” Afraid that this was indeed the case, parents sought to curtail “the sounds of pain and joy now flooding the airwaves, infecting the bodies of their children.”¹²

Middle-class worries over the unwanted influences of rock and roll were not confined to whites. Members of the black bourgeoisie also expressed their distaste. When asked by a seventeen-year-old in 1958 whether it was sinful to play rock and roll, the civil rights leader and pastor Dr. Martin Luther King Jr. replied that whether it was a sin or not, rock music “often plunges men’s minds into degrading and immoral depths.” In a similar vein, a columnist for the New York *Amsterdam News* had earlier attacked the music as “smut” and “tripe” and proclaimed that African Americans themselves should not listen to lyrics that “projected the idea that all Negro women longed for was barnyard-type romance.”¹³

As the commentary in the *Amsterdam News* suggests, class concerns intersected with those of gender. The heightened sexuality of rock and roll both lyrically and musically was seen as posing a particular threat to young girls. According to middle-class social norms, adolescent females were primarily mothers-in-waiting, preparing themselves for marriage, raising children, and safeguarding the virtues of the nuclear family. Virginity was next to godliness, and sex was reserved for marriage. As moral caretakers of the home, wives and daughters were seen as strengthening the nation by combating evil conspiracies designed to undermine it. During the Cold War, communism

stood at the top of the list of enemies, but any assault on pubescent, female chastity was seen as subversive.¹⁴

Rock and roll was regarded as posing such a threat. According to Jeff Greenfield, the “honking tenor sax and the vibrating electric guitar and the insistent drum beat,” were considered by his parents’ generation as “fearful engines of immorality, driving daughters to strange dance steps and God knows what else.”¹⁵ Although adults usually found the wild gyrations of the performers and the raucous quality of the sound distasteful if not unfathomable, they were just as alarmed by the slow music, known as doo-wop. Teenage dance shows on television gave adults a peek at the possible dangers as they watched young couples clutch each other trying to get as close as possible on the dance floor. “If you were a parent at home watching your daughter,” a disk jockey admitted, “watching a guy all over a girl, you figure, ‘Is this what my daughter does at record hops?’”¹⁶

Whether young female rock and rollers saw themselves as subverting the moral order is debatable. Charlotte Grieg contends that the music transformed “all the conventional ideas of love, romance and marriage . . . into visions of a steamy teenage paradise throbbing with erotic and sexual desire” that undermined adult notions of responsibility and domesticity.¹⁷ Yet throughout the fifties most of the songs that teenage girls listened to had less to say about consummating sex than about longing for the boy of their dreams and marrying him. Nor did rock and roll overturn the double standard that distinguished “good girls” from “bad girls.” Nevertheless, it did allow many young women to experience a forbidden sexual energy that their elders found dangerous. If not exactly revolutionary, the music allowed teenagers, girls and boys, to express themselves in a language and style removed from their parents’ tight control.¹⁸ This mixture of class and gender fears occasioned powerful anxieties about rock and roll and teen culture, but the addition of race proved explosive. The term *rock and roll* had evolved out of the rhythm and blues lyrical expression for sexual intercourse. As long as rhythm and blues remained “race music,” separated from the popular tunes white audiences listened to, it aroused only minimal concern within the nonblack community. But when it began to enter the musical mainstream as rock and roll, which appealed largely to white youths, it alarmed the guardians of teenage morality. *Variety* undertook its crusade against sexually suggestive lyrics (or, as it called them, “leerics”) with great urgency because rhythm and blues was no longer “restricted to special places and out and out barrelhouses.” Transformed into rock and roll, it had broken out of the segregated confines of black venues and appeared “as

standard popular music for general consumption, including consumption by teenagers.”¹⁹

Rock and roll gave white teenagers the rare opportunity to come into cultural contact with African Americans in a nation that was still racially segregated. Particularly in the South, Jim Crow maintained a rigid wall to keep whites and black apart. Dixie’s laws could keep schools and public accommodations racially restricted, but not the public airwaves. Radio stations targeted for blacks picked up a sizable white audience, some 20 to 30 percent of overall listeners.²⁰ In the privacy of their own rooms, young southern whites turned on their radios to hear the forbidden sounds of rhythm and blues or they took their portable transistor radios, which had just become available in the early 1950s, to gathering places for teens, away from their parents’ watchful eyes. One white youth recalled that he loved to listen to the music on black-oriented stations “whenever and wherever I could. . . . I loved to dance to it. That got me into trouble with my parents and the schools, because we were not allowed to listen to this music openly.” Some of the bolder youths attended live performances with blacks, and in spite of efforts to keep them apart, the excitement of the music frequently pulled them side by side in the aisles or on the dance floor.²¹

Moreover, white teen icons such as Elvis Presley stepped over the racial divide by incorporating the sounds and styles of African American music into his act. A Mississippian who achieved stardom in Memphis, Presley readily acknowledged his debt to blacks. “Colored folks have been singing and playing this music for more years’n anybody knows,” the twenty-one-year-old Presley explained in 1956. “They played it in the shanties all ‘round Tupelo, Mississippi, where I got it from them, and nobody paid ‘tention till I goose it up.”²² Nelson George has written that the “young Presley came closer than any other rock and roll star to capturing the swaggering sexuality projected by many Rhythm and Blues vocalists.”²³

In the North and West, where *de facto* segregation and more subtly constructed patterns of racism kept blacks and whites apart, rock and roll likewise exerted the centripetal force that pulled teenagers of both races together. Colorful white radio disk jockeys such as Alan “Moondog” Freed in Cleveland and New York City, George “Hound Dog” Lorenz in Buffalo, and Hunter Hancock and Johnny Otis in Los Angeles exposed their predominantly white teenage listeners to black rhythm and blues and rock and roll artists. Not only did they feature the original records of black performers over versions covered by white artists, but they also talked in the hip street vernacular of the singers. As in the South, their live concerts and dances drew an interracial

crowd, throwing together white and black youths who would otherwise have remained in their own neighborhoods. More than in any other setting in America at that time, these gatherings permitted teenagers to step over racial and class boundaries in defiance of their elders.²⁴

Rock and roll served as a musical backdrop to the black freedom struggle that was breaking onto the national scene during the 1950s. Some have discerned a direct connection between the rise of rock and roll and racial change. A singer for the Platters, Harvey Weinger, looking back on that period remarked, "Because of our music, white kids ventured into black areas. They had a sense of fair play long before the civil rights movement." Herbie Cox of the Cleftones seconded this view, asserting that rock and roll "disk-jockeys and record distributors were doing more for integration than *Brown versus the Topeka Board of Education*."²⁵ The journalist Robert Palmer perceived rock and roll as the cultural component of the black freedom struggle. "It's no mere accident of history," Palmer argues, "that Rosa Parks's refusal to move to the back of a segregated Alabama bus . . . occurred during the brief pop-music ascendancy of performers like Chuck Berry and Little Richard, black men whose very sound and sign communicated their refusal to respond to the racists' traditional 'C'mere, boy.'"²⁶

Without doubt rock and roll contributed to changing patterns of racial and cultural interaction, but its impact should not be exaggerated. Because white youths listened to black-inspired music or attended concerts with African Americans did not mean that they shed the racial prejudices of their families and neighborhoods. The sensuality of the rhythms that attracted many white teens also served to reinforce stereotypical notions of black male and female sexuality, views that white society had historically used to demonize African Americans. Besides, most white kids listened to rock and roll within the confines of racially segregated environments—homes, social clubs, schools, and cars—without venturing into close proximity to blacks.²⁷ Moreover, although rock and roll energized young people and cast them in opposition to dominant styles, the teenagers who became the vanguard of the civil rights movement in places such as Little Rock and Greensboro owed their inspiration less to avant-garde music and more to their churches, youth groups, and other community organizations.

Nevertheless, opponents of racial change considered rock and roll as subversive. In the wake of the Supreme Court's ruling in *Brown*, segregationist watchdogs saw an increasing need to guard the South's white youth from all forms of race mixing. Schools occupied the primary political battleground because they offered the most likely space for white and black students to in-

teract. But the war for racial purity did not end at the schoolhouse door. As the commercial marketplace, including the entertainment industry, directed more of its efforts toward gaining a share of rising teenage spending, segregationists turned their attention to youth culture. They perceived danger as coming from many directions—television, radio, motion pictures—and considered the national media, in the words of the *Shreveport Journal*, as “one of the South’s greatest foes in its fight to maintain racial segregation.”²⁸ The greatest threat came from images and sounds that might lure white and black youngsters together.

Hostility to rock and roll became part of the agenda for southern white massive resistance. In addition to other efforts to preserve segregation and disfranchisement, White Citizens Councils, a slightly more moderate counterpart of the Ku Klux Klan, campaigned against rock and roll. In 1956, Asa Carter, the head of the North Alabama White Citizens Council, called rock “the basic, heavy-beat music of Negroes.” Allowed to go unchecked, he feared nothing less than the collapse of “the entire moral structure . . . the white man has built through his devotion to God.” He and his followers did not consider their concern farfetched as they saw that “white girls and boys were turned to the level of animal” by the sensuous music.²⁹ In a racialized society rapidly coming under assault from the civil rights movement, music that promoted social intercourse also aggravated fears of miscegenation.³⁰

Carter and segregationists like him contended that the proliferation of rock and roll had not occurred naturally; how could it given their view of the music’s inherent worthlessness? Rather, they saw it as part of a sinister plot designed by integrationist groups such as the National Association for the Advancement of Colored People (NAACP) to contribute to the “moral degradation of children.”³¹ The *Brown* decision and rock and roll were just two sides of the same integrationist coin and segregationists responded to both by trying to beat them back.

Racism was not confined to the South, and similar assumptions guided opponents of rock and roll in the North. The thrust of the attack above the Mason-Dixon line was not so much to preserve the system of Jim Crow but to combat anxieties over the spread of juvenile delinquency, which the Ke-fauver Committee had publicized. In 1957, Senator John F. Kennedy, a Massachusetts Democrat, read into the *Congressional Record* an article from *Newsday*, a Long Island newspaper, connecting rock and roll with the designs of broadcasters, record companies, and music publishers to foist decadent music on an unsuspecting public. Nonetheless, the language used to link rock with the behavior of antisocial youths was couched in the same racial

stereotypes. The *Music Journal* asserted that the “jungle rhythms” of rock incited juvenile offenders into “orgies of sex and violence” just as its forerunners did for the “savages.” The New York *Daily News* derided the obscene lyrics set to “primitive jungle-beat rhythms.” A week before Asa Carter traced rock and roll’s penetration of the South to the NAACP, a New England psychiatrist disparaged the music as “cannibalistic and tribalistic.” Similarly, a Catholic clergyman from Boston denounced the sexually suggestive lyrics for inflaming youths “like jungle tom-toms readying warriors for battle.”³²

As targets of this criticism, African Americans generally recognized the racial animus behind attacks on rock and roll. Although they too expressed dismay at the use of inappropriate lyrics aimed at youngsters and did not always find the music to their liking, many black adults softened in their reactions to the music as they witnessed the growing campaign against the civil rights movement.

As massive resistance swung into high gear in 1956, black commentators perceptively drew the connection between the South’s efforts to defend segregation and to smear black-derived music. A writer for the *Amsterdam News* suggested “that the hate rock ‘n’ roll seems to inspire in some of its critics stems solely from the fact that Negro musicians predominate in the field, originated it, and are making the loot out of it.” Even more forcefully, the *Pittsburgh Courier* editorialized that the war against rock and roll constituted “an indirect attack against Negroes, of course, because they invented rock ‘n’ roll (as they did all other distinctive U.S. music), and because it has so captivated the younger generation of whites that they are breaking down dance floors and gutting night clubs here and abroad.”³³ A matter of racial pride, many black adults came to consider the harsh denunciation of rock and roll as an attempt to demean the contributions made by African Americans to American popular culture.

Although race and rock and roll set the stage for the congressional investigation of payola, the immediate stimulus for the probe grew out of an internal struggle for power in the music business. Until 1940 ASCAP controlled the licensing of performance rights and the collection of royalties due its members from any place music was sold or played. Locked in a bitter dispute with ASCAP over higher fees, in 1941, radio broadcasters transformed BMI, which they had created two years earlier, into a rival performance licensing group. For the next two decades, ASCAP sought to destroy BMI as a competitor through lawsuits and congressional action.³⁴

In 1953, ASCAP songwriters filed a \$150 million antitrust case charging BMI with engaging in monopolistic practices. They argued that because

broadcasters operated BMI, they had a special interest in playing music licensed by their own organization to the detriment of songs contained in the ASCAP catalogue. In fact, radio stations contracted with both ASCAP and BMI and entered into standard financial arrangements with each. Indeed, ASCAP had continued to profit since the formation of BMI, its income nearly quadrupling to \$25 million between 1939 and 1956. By the mid-1950s the older organization still licensed 85 percent of the music heard on radio and 75 percent of the songs distributed on record albums, which accounted for the largest proportion of sales in the record business. Nevertheless, BMI made significant inroads on the older organization's share of the market. Until 1955, ASCAP-licensed songs dominated the popular music charts and particularly the tunes ranked in the top ten of the highly regarded *Billboard* magazine listing. However, by the late 1950s, BMI-recorded hits appeared more frequently than those of ASCAP in the coveted top ten rankings.³⁵

Rock and roll became the outlet for much of ASCAP's discontent. Major recording studios could adapt to changing tastes by signing up rock and roll performers. RCA did so in 1956, buying Elvis Presley's contract from Sun Records, one of the many independent companies providing unwelcome competition for the major firms. Tin Pan Alley songwriters, however, found it much more difficult to pen tunes for the changing youth-oriented market. Those who had crafted hits in the past for Broadway shows and Hollywood movies had little inclination to shift their efforts to a musical form that they despised and considered professionally inferior. In 1959, *Billboard* wrote that "many frustrated music men—out of step with current song and recording trends . . . sigh for the good old days."³⁶ Believing that payola spawned rock, songwriters of traditional music attacked the former in hope of curtailing the latter. The fact that BMI firms published most rock and roll songs stoked the fires of ASCAP's fury.

As ASCAP's lawsuit against BMI dragged on through the courts during the 1950s without success, the organization turned to Congress to press its case. In 1956, ASCAP received a sympathetic reception from the House Judiciary Committee, which held extensive hearings on the subject of broadcasting monopolies. The support provided by Emanuel Celler, the committee chairman, shows that outside of the South's massive resistance campaign, race operated in a more subtle fashion. On one hand, Celler, a liberal representative from Brooklyn, was a staunch supporter of black advancement and a leader of the successful effort to pass civil rights legislation in 1957. At the same time, the congressman did not have much appreciation for rock and roll. The music had a place in the culture because, as he explained patronizingly, it had

given “great impetus to talent, especially among the colored people: it’s a natural expression of their emotions and feelings.”³⁷ This attitude did not keep Celler from fighting against legal segregation and disfranchisement, but it did line him up on the same side as those who viewed black-derived rock and roll as inferior music.³⁸

Despite a lengthy inquiry into the dispute and clear sympathy with ASCAP’s position, nothing came out of the Celler Committee deliberations.³⁹ The Senate then took up the issue. George Smathers of Florida embraced ASCAP’s cause as the South continued to combat school desegregation and attempts of blacks to register to vote. Shortly before passage of the Civil Rights Act of 1957, Smathers introduced a bill to force broadcast stations to divest themselves from BMI or lose their licenses from the Federal Communications Commission (FCC). The Senate Committee on Interstate and Foreign Commerce held hearings on the Smathers’s measure beginning in March 1958.⁴⁰

Chaired by John Pastore of Rhode Island, like Celler a liberal Democrat, the investigation traveled over familiar terrain. ASCAP supporters argued that without sponsorship of BMI and the constant plugging of disk jockeys, rock and roll would have collapsed. Perhaps the most vivid testimony of this sort was articulated by Vance Packard, who had been hired as an expert witness by the Songwriters Protective Association, whose membership overlapped with that of ASCAP. A popular magazine writer and author of a best-selling book exposing the practices of advertisers in manipulating the public’s taste for consumer goods, Packard charged that many of the social problems that affected Americans stemmed from the techniques of “hidden persuasion” perfected by Madison Avenue. He warned the committee that the nation was becoming increasingly “standardized, homogenized, hypnotized, and sterilized,” and was losing such core values “as respect for the dignity of the individual, freedom from conformity, and freedom of choice.”⁴¹ The notion of hidden persuaders fit in with prevailing perceptions—whether applied to communist infiltration, juvenile delinquency, labor racketeering, or civil rights protest—that clandestine forces rigged the country’s institutions and sapped their moral strength.

Packard applied the same analysis to explain the teenage infatuation with rock and roll. Tracing it to the hidden hand of broadcasting corruption, he argued that the kind of music BMI mainly handled could not have possibly become successful unless the broadcasters themselves had pushed it upon the public. Like other critics of rock and roll, Packard disparaged its racial antecedents. “Inspired by what had been called race music modified to stir the

animal instinct in modern teenagers,” Packard informed Pastore, “its chief characteristics now are a heavy, unrelenting beat and a raw, savage tone.” Music of this inferior sort, he suggested, could not have gained commercial success without the manipulation of juvenile tastes by unscrupulous disk jockeys under the sway of payola.⁴² This notion of conspiratorial machination had far reaching implications. For example, it reinforced the thinking of southern white segregationists who believed that outside civil-rights agitators were conspiring to upset time-honored Jim Crow practices in their region.

Packard’s views did not go unchallenged. BMI supporters pointed out that far from engaging in a conspiracy to undermine American standards of decency, the appeal of rock and roll vindicated faith in democracy by demonstrating that people could choose what they wanted to hear. The testimony of individuals not associated with rock and roll proved most effective. The distinguished opera star Robert Merrill doubted that rock tunes harmed “the spiritual and emotional health of young people,” and seriously questioned whether the problems attributed to teenagers “would disappear if our youngsters were exposed exclusively to Puccini and never to Presley.”⁴³ Another witness took exception with Packard’s characterization of rock and roll as lowlife music. The wife of Nat King Cole testified on behalf of her husband who was out on tour. Although her husband sang a different style of music, Maria Ellington Cole presented a spirited defense of rock and roll as “authentic music . . . [that] must stand or fall on its own merits.” In a blunt rejoinder to opponents who denigrated rock as race music, she proudly noted that “just as country music grew up as the folk music of people in the hills of Tennessee and in the West, so did race music grow as a part of the folk music of American Negroes.”⁴⁴

After listening to the evidence over several months, Pastore and his committee decided not to intrude legislatively in what was essentially an economic battle between ASCAP and BMI. The Rhode Island senator was not convinced that BMI engaged in a conspiracy to deceive the public into accepting rock and roll and dismissed the notion that divorcing BMI from broadcasters would mean “the end of all rock and roll.” Hardly a fan of the music, he nevertheless tolerated it as part of “a fashion and a fad that appeals to young people,” including his fourteen-year-old daughter (who, he admitted with chagrin, liked the Coasters’ hit “Yakety Yak”). To join in a battle to destroy rock and roll and what it stood for culturally, smelled to Pastore like a form of dreaded censorship and “thought control.”⁴⁵

As ASCAP continued to scuffle with BMI in the courts and to heap scorn upon rock and roll, hearings into television quiz show improprieties unex-

pectedly launched a full-blown congressional inquiry into payola. In 1959, the House Legislative Oversight Subcommittee, chaired by Representative Oren Harris, an Arkansas Democrat, conducted a highly publicized investigation into a scandal that had been brewing for several years. In the 1950s, quiz and other game shows had made the transition from radio to television and attracted huge audiences. Programs such as *The \$64,000 Question* and *Twenty-One* awarded big cash prizes to contestants who competed to furnish information usually buried in the pages of encyclopedias. Producers of these shows heightened the level of their authenticity by keeping the participants in isolation booths and delivering the questions under armed guard. However, the facade of honesty collapsed when a few disgruntled contestants admitted that they had been coached and that the outcome of these televised matches of brain power were rigged. After a grand jury in New York City, where most of these programs originated, gathered considerable evidence of deception, Congress took up the matter.⁴⁶

The quiz show scandal riveted public attention on Washington. It provided the Democratic majority in Congress with an opportunity to look ahead to the presidential campaign in 1960 and build a case that under the Republican administration of Dwight Eisenhower a climate of moral decay had set in. Already in 1958, the Legislative Oversight Subcommittee had probed federal regulatory commissions and uncovered influence peddling between federal regulatory agencies and Sherman Adams, Eisenhower's closest advisor, who was forced to resign. Planning his race for the presidency, Senator John F. Kennedy exploited the public disillusionment these scandals produced. A close friend of George Smathers and a moderate on civil rights, Kennedy was courting key southern Democrats to support his nomination for the presidency. Yet his strategy aimed beyond the South. Richard N. Goodwin, a staff lawyer on the Oversight Subcommittee during the quiz show probe, explained that the Massachusetts senator had "an intuitive belief that his fellow citizens were dissatisfied, that they expected more from their society and themselves, that they wanted to 'Get America Moving Again.'"⁴⁷

The quiz show revelations reinforced the notion that the United States had lost its moral compass, and Charles Van Doren became a symbol of this concern. An English instructor at Columbia University and the son of a prominent professor there, Van Doren had achieved victory on *Twenty-One* through a combination of his own intelligence and the backstage manipulation of the show's producers. Until he admitted his guilt in testimony before the Legislative Oversight Subcommittee in 1959, the thirty-three-year-old academic was viewed as a worthy role model for youth to follow.⁴⁸ In contrast to rock stars

whose performances aroused teenagers into an emotional frenzy, Van Doren offered his cool intellect as an attractive alternative. Adults embraced him as the counter-Elvis, "a new kind of T.V. idol of all things, an egghead . . . whom many a grateful parent regards as T.V.'s own health-restoring antidote to Presley."⁴⁹ His fall from grace before the House Committee removed Van Doren as a useful weapon in the generational culture wars. Deeply disturbed over the moral implications of Van Doren's fall from grace, in 1959, the writer John Steinbeck rued: "on all levels [society] is rigged. A creeping all-pervading nerve gas of immorality . . . starts in the nursery and does not stop before it reaches the highest offices, both corporate and governmental."⁵⁰

The quiz show scandal also prompted lawmakers to mount another investigation into manipulation and deception in broadcasting and the music business. The Harris Committee thus turned its attention to payola as another example of the dangers lurking in the "rigged society." Indeed, ASCAP and its allies regarded the quiz show hearings as benefiting their continuing efforts to hamstring BMI. At the end of that investigation, in November 1959, Burton Lane, the president of the American Guild of Authors and Composers and a longstanding antagonist of BMI, informed the Legislative Oversight Subcommittee that the evidence it had uncovered with respect to quiz show fraud had "a counterpart in the promotion of music." He told lawmakers that commercial bribery in the form of payola "has become a prime factor in determining what music is played on many broadcast programs and what musical records the public is surreptitiously induced to buy."⁵¹ Lane had leveled these charges without success many times before to Congress, the Federal Communications Commission, and the Federal Trade Commission. This time, however, he received a more favorable response. By the end of the year, the Oversight Subcommittee's preliminary inquiry revealed that payola was "rampant" and both the FCC and the FTC initiated their own probes.⁵² In the wake of the widespread attention garnered by the quiz show hearings and in anticipation of the 1960 elections, lawmakers found the time right to tackle the century-old practice of payola.

Racial motives influenced some key congressmen. Representative Harris lined up with his southern colleagues in opposition to civil rights legislation. In 1950 he had served on the steering group that helped defeat passage of a bill establishing a Fair Employment Practice Committee (FEPC), a measure designed to check racial bias. Harris did not see it that way. According to the Arkansas congressman, "just as discrimination should not be practiced as affecting minorities, neither should the minorities arbitrarily control our political institutions against the best interest and real desires of the majority."⁵³

Harris and his colleagues painted a dire if distorted picture of the FEPC acquiring “unlimited authority, the most far reaching powers [over] the business and economic life of this country ever given throughout our entire history.”⁵⁴

Throughout the rest of the decade, Harris’s anxieties about federal involvement to promote civil rights only increased. In 1956, he signed his name to a manifesto of 101 southern congressional lawmakers challenging the legitimacy of the Supreme Court’s desegregation decree in *Brown*. The following year, President Eisenhower vividly displayed Washington’s commitment to the enforcement of federal court orders by sending troops into Little Rock. During the confrontation, Harris staunchly defended the segregationist stand taken by Governor Orval Faubus and distanced himself from any attempt to hammer out a peaceful compromise. “Stunned beyond expression” by Eisenhower’s action, the congressman “deeply resented it, [and] thought it was unnecessary and unwarranted.”⁵⁵

To Harris and other proponents of massive resistance, the payola investigation offered an opportunity to check integrationist advances not only politically but also culturally. Harris endorsed the views of the *American Nationalist*, an extreme right-wing publication originating in southern California, which claimed that “Negroes have been raised to stardom and adulation as a result of the fictitious popularity of rock-and-roll music—popularly purchased through ‘payola.’” Raising the specter of miscegenation, this prosegregationist and antirock tract recoiled over “teenage daughters . . . squealing and drooling over Negroidal crooners.”⁵⁶ Harris fully agreed with these sentiments, and he replied to his hometown constituent who sent him the material: “I have the same views as you do on such distasteful propaganda to integrate the races.” Vowing to make “every effort in opposition, either by legislation or Executive action,” Harris assured his correspondent that his committee “would not shirk in any way or overlook” the subject of payola, and he did not consider its racial angle “too hot to handle.”⁵⁷

Actually, the white southern counteroffensive of massive resistance had already slowed down the civil rights momentum building after *Brown* and the Montgomery Bus Boycott, especially at the grassroots level. Throughout most of the Deep South, school desegregation made almost no progress, and bus boycotts expanded to very few southern cities. Although Martin Luther King Jr. established the Southern Christian Leadership Conference in 1957, an organization designed to mobilize nonviolent, direct-action protests, the group made little headway in promoting mass demonstrations or placing blacks on the voter rolls. In fact, the pace of black voter registration, which had grown steadily since World War II, leveled off far short of enfranchising

a majority of black adults by the end of the 1950s.⁵⁸ Nevertheless, the persistent gap between actual civil rights breakthroughs and continued white domination only slightly moderated southern fears of losing control over fundamental racial matters.

Whatever the realities of the civil rights situation, Harris felt much more strongly about containing racial equality than he did about stamping out corruption in broadcasting. In the mid-1950s the Arkansas congressman had received a 25 percent interest in KRBB, a television station in his hometown of El Dorado. He paid a token amount of \$500 for the investment and signed a promissory note for the much larger figure of \$4,500, which the station never asked him to repay. In 1958 the FCC granted KRBB permission to expand its power output to a level the commission had denied before Harris became part owner. When the chief investigator for Harris's own Legislative Oversight Committee leaked the details of this story to the press, the congressman sold his interest in the station and at the same time fired the whistle-blower.⁵⁹ His own questionable behavior did not stop Harris from chairing investigations of unethical conduct relating to the FCC and FTC as well as television quiz shows; nor would it keep him from probing payola. In light of the enormous public drama surrounding the downfall of Charles Van Doren, it made good political sense for the committee to carry its probe in the related direction of the rigging of records for broadcast.

Most if not all of the nine legislators who sat on Harris's Legislative Oversight Committee had a dim view of the quality of rock and roll; however, this did not mean that race was foremost in all their minds.⁶⁰ No one paid greater attention to the proceedings than did John Moss, a California Democrat. Born a Mormon, Moss had ceased practicing the religion because of the church's "strong pattern of racial discrimination." Before entering politics, he owned a small appliance store, and his business outlook shaped his attitude toward payola. It did not matter that payola was frequently used by small, independent record companies to outmaneuver the giant firms. To Moss, payola constituted commercial bribery, which he identified with the kind of activity big business used to undermine competition. A believer in free enterprise in the populist and Progressive tradition, he favored governmental regulation to oversee "powerful interests that thwart opportunity and competition." His commitment to openness also emerged in Moss's sponsorship of freedom of information legislation to minimize government secretiveness.⁶¹ As for rock and roll, Moss did not exhibit much of an open mind and expressed the typical reaction of his colleagues: hearing it played on the radio his response was "to snap the thing off, as quickly as possible." He com-

plained that his own teenage children listened to this “trash” because disk jockeys pushed it on them.⁶²

Some legislative action to curb payola appeared certain. The Eisenhower administration joined the chorus condemning the practice. Already stung by the scandal involving one of his closest aides, Sherman Adams, the Republican president sought to recapture higher moral ground. Following the public brouhaha over television quiz show deception, Eisenhower instructed Attorney General William Rogers to investigate the problem of fraud in broadcasting and report back to him.⁶³ Rogers issued his findings at the close of 1959, declaring there was “evidence of widespread corruption and lack of the personal integrity which is so essential to the fabric of American life.” He proposed legislation to make the receipt of payola by station personnel a federal criminal offense.⁶⁴

The Eisenhower administration had hoped to get out in front of the Democrat-controlled Legislative Oversight subcommittee, but Harris did not intend to relinquish the spotlight in a presidential election year. Harris did not need much additional incentive to turn up the political heat on the Eisenhower regime. The military intervention in Little Rock and the Republican administration’s successful sponsorship of civil rights legislation in 1957 had irked the Arkansas congressman. Opening on February 8, 1960, the hearings confirmed what the trade press and industry insiders had known about for years—the widespread existence of payola. The Harris Committee paraded a lineup of witnesses consisting mainly of disk jockeys and record company executives and distributors. Most witnesses did not deny their part in the acceptance of gifts, but they adamantly rejected the notion that these payments affected their play selection.⁶⁵ According to this defense, at the very most disk jockeys took payments not to dictate what they played but to advise record companies on what kind of tunes would appeal to their listeners. Actually, the under-the-table gratuities did not ensure that a disk jockey could turn a particular record into a hit, but they did guarantee that of the hundreds of free records the radio station received each week, those furnished by companies dispensing payola would make it to the top of the pile for the disk jockey’s review and increase the potential for airplay.⁶⁶

Congressional inquisitors remained unconvinced by the denials. Influenced by Vance Packard’s warnings of “hidden persuaders,” they believed that consumers did not have a free choice and were more likely to have their desires shaped by advertisers and product merchandisers. In particular, they considered a teenage audience even more vulnerable to manipulation than adults. Harris asserted from the outset that “the quality of broadcast pro-

grams declines when the choice of program materials is made, not in the public interest, but in the interest of those who are willing to pay to obtain exposure of their records." Without payola, he declared, "we probably would not have a lot of stuff that the American people have had to listen to."⁶⁷

The bad "stuff," undoubtedly, referred to rock and roll. Record spinners who accepted gifts but who did not play rock and roll escaped committee censure. A Boston disk jockey admitted receiving Christmas gifts from record distributors, but he continued to play "the type of music that an adult audience would enjoy . . . not . . . the raucous kind of sound that I had always associated payola with." Another disk jockey in the same city, Stan Richards, passed muster from the lawmakers by denouncing rock and roll as "junk music" that he refused to play. According to *Billboard* reporter Mildred Hall, who observed the hearing closely, such condemnations "won approving congressional smiles in each instance."⁶⁸

Indeed, in condemning rock and roll and underscoring its connection to payola, disk jockeys who came clean received praise from the committee. This public process of denunciation resembled the role that ex-Communists played in the McCarthy era in providing justification for controversial investigations into unpopular political beliefs. The culture of investigation contained a ritual of forgiveness and redemption for those who cooperated, allowing them to receive the blessing of the committee. For example, Chairman Harris applauded Richards at the conclusion of his testimony, noting that while he had once engaged in "pathetic" conduct as a disk jockey, his presentation had proven him to be a "good fellow" entitled to continue his career.⁶⁹

Rock and roll remained a focus of the deliberations, as it had in the Pastore hearings two years earlier, but this time the ASCAP-BMI war had shifted to another battleground. After its supporters had helped initiate the investigation with their complaints to the legislative committee, ASCAP turned its attention to the executive branch. Following the fallout from the quiz show scandal and Attorney General Rogers's recommendation for more vigorous federal regulation, ASCAP officials took their case against payola and BMI to the FCC and FTC.⁷⁰ Without the congressional spotlight on the ASCAP-BMI conflict, much of the discussion shifted away from private rivalries in the music business and centered on the decline in standards of public morality.⁷¹

In contrast with the often stated ties between rock and roll and the decline of public morality, race had a muted presence during the congressional probe. Unlike the situation in previous hearings, witnesses did not publicly refer to rock and roll in racially coded terms, for example, as "jungle" music arousing "savage" passions. The disappearance of such rhetoric, however, did

not mean that racial fears had subsided. Rather it reflected two changes in the cultural and political environment. First, rock and roll music had become considerably whiter. The hard, raunchy edge of the original music turned softer as record companies, always sensitive to bad publicity, responded to the concerted attacks on suggestive lyrics. Black pioneers such as Chuck Berry and Little Richard passed from the scene, as had the white rocker Jerry Lee Lewis, who lost public favor after marrying his thirteen-year-old cousin. Moreover, the most popular of them all, Elvis Presley, had gone into the Army and returned as a toned-down balladeer and Hollywood movie star. From an alleged fomenter of juvenile delinquency, the black-inspired Presley had assumed the identity of a patriotic ex-GI and all-American boy.⁷² In their places the rock scene attracted less threatening white crooners who seemed more cuddly than menacing.

Second, while rock and roll had functioned as a convenient symbol of racial anxieties in the 1950s, by 1960 the civil rights movement offered a more tangible target for racist attacks. White supremacists in the South had more direct problems facing them than “race music.” Beginning in late 1959 and erupting in February 1960, they had to face a resurgent freedom struggle invigorated by African American high-school and college students who challenged racial inequality through sit-ins, freedom rides, and other forms of direct-action protest. Whatever notion segregationists may have had that in destroying rock and roll they could frustrate racial reform paled beside the visible threat posed by young black protesters and their white allies. In the heightened atmosphere of racial agitation that accompanied this new phase of the civil rights struggle, antirock and antipayola crusades lost much of their significance compared with the bruising battles that took place in cities and towns throughout America.

Besides, in the latter part of the 1950s, southern state governments directly launched their own investigations into subversive influence within the civil rights movement. Primarily targeting the NAACP in Florida and Louisiana, state legislative investigation committees attempted to link the civil rights group with Communist infiltration. For a time, Alabama managed to ban the NAACP from operating within its borders. In the wake of *Brown*, Mississippi created the State Sovereignty Commission, which monitored civil rights activists, planted informers within their ranks, and collaborated with local law enforcement agencies to harass them. Thus, on the state level, committees such as these mirrored the legislative culture of investigation in Washington, D.C., that in the 1950s sustained an array of inquisitorial forays into the “rigged society.”⁷³

Though race moved to the background of the payola hearings at the same time as it moved into the foreground of politics and social change, it still cast a shadow over the congressional investigation. The racial connotation of rock and roll, and hence their association with the black freedom struggle, played themselves out in the opposing fates of the two most prominent disk jockeys in the business: Dick Clark and Alan Freed. The “whitening” of rock and its movement into the musical mainstream, which had lessened somewhat the hysterical opposition to it, helps explain how Clark emerged relatively unscathed from the hearings. In contrast, Freed, who represented the early and less acceptable black-oriented version of the music, fared much worse.

In August 1957, when Dick Clark became host of *American Bandstand*, the nationally televised teenage dance show on the ABC network, the twenty-seven-year-old Syracuse University graduate with a degree in advertising was not yet a decade past his own teenage years. Clark considered himself more a businessman than a rock and roll enthusiast, and his own musical tastes ran along the lines of Glenn Miller. Convinced that if he could successfully market rock and roll to a broad teenage audience, Clark looked forward to making “a good deal of money.”⁷⁴

Clark packaged himself as an understanding mediator between adult society and the mysterious world of teenagers. Publishing an advice manual for teenagers, Clark pressed them on the need to understand their parents, who “have a strange way of being right most of the time.”⁷⁵ Moreover, he sought to tone down the controversial aspects of rock and roll. He insisted that the kids on his program conform to a dress code, because “it made the show acceptable to adults.” He came across as a “friend, adviser, older brother or young parent,” the kind of man a teenage boy aspired to become and a teenage girl looked for in a husband. He domesticated the wilder features of rock and roll and consciously posed no threat to traditional family values. The music did not have to turn girls wild, it could also tame them. He encouraged young housewives, many of them not too far removed from their teenage years, “to roll up the ironing board and join us when you can.”⁷⁶ He largely achieved his goal. Describing the participants on *American Bandstand* as an “attractive group of youngsters,” the stately *New York Times* approvingly noted the absence of any “motorcycle jackets and hardly a sideburn in the crowd.”⁷⁷

Furthermore, Clark built his popularity on whiteness. Although he featured black performers on *Bandstand*, he strictly adhered to the network broadcasting policy of not stirring the racial brew. The dance party impresario did make an overture to bring black youths into his studio audience when

he went on the air throughout the nation in 1957, but their presence was exceedingly thin and hardly visible in front of the cameras. As with rock and roll, he approached racial matters in a careful and practical manner. Acknowledging that he was not an “integrationist or pioneer,” Clark broke the color barrier, however modestly, not out of any moral conviction but because he could “see it was going to happen, and there was no sense not doing it.”⁷⁸ Nevertheless, African Americans remained largely invisible on his show. A black teenager from Philadelphia, where the show originated, complained: “When we have attempted to attend [*Bandstand*] . . . we’ve been given the run-around by officials of the show. And if a few of us manage to get inside, we’re discouraged from dancing on the floor.”⁷⁹

However, it is too simple to dismiss Dick Clark as a racist. An impressive number of black performers first appeared on national television on *American Bandstand*, including Chuck Berry, Sam Cooke, Little Anthony and the Imperials, the Chantels, the Coasters, and Jackie Wilson. Clark also took many of them along with a group of white stars on integrated bus caravans touring the South.⁸⁰ Nevertheless, what Clark did best was not to promote African American culture or foster social integration but to help absorb black music into a popular format dominated by whites. He certainly did not discriminate against black performers and even helped some in their careers, but he was much more closely associated both in public perception and in reality with young white heartthrobs such as Frankie Avalon, Fabian, Bobby Rydell, and Bobbie Vinton. Clark acknowledged that he owed a great deal to the African American community for supplying the source of the music, but given his enormous popularity, he was more responsible than anyone else for refashioning that legacy into a whiter product.⁸¹ At a time when African Americans were beginning to win battles in the courts, in Congress, in the schools of Little Rock, and on the streets of a few cities such as Montgomery, Alabama, Clark’s orchestration of rock and roll lessened some of its perceived threat to white racial and cultural hegemony.

Clark’s efforts stand in sharp contrast to those of Alan Freed, who by contrast appeared to challenge the racial status quo already under assault from the incipient civil rights movement. Whereas Clark appeared to represent “middle America, nice, a white-bread face,” as one record company executive put it, “Freed was gruff, a street man, New York rock and roll, tough.”⁸² Eight years older than Clark, Freed first made his reputation in Cleveland before he moved on to New York City in 1954. Though he did not coin the label “rock and roll,” he popularized it in concerts and on his frenetically paced radio shows, complete with sound effects, jive talk, and shouts of joy. If Clark ap-

peared cool, calm, and collected if somewhat stiff and detached from the teenagers and their music, Freed acted just the opposite and got caught up in the energy and excitement of the programs he produced.⁸³

At the heart of Freed's unique style was his association with the black roots of rock and roll. Freed's "Big Beat" concerts, starting in Cleveland in March 1952, showcased black performers and attracted largely African American audiences. Even as he increasingly attracted white fans, he insisted on playing the original recordings of rock songs by black artists. He considered the cover versions record companies put out by white artists as "anti-Negro." He served as a transmission belt for black-oriented rock seeping into the lives of white teenagers, and this made him dangerous to many. He reported receiving "batches of poison-pen letters calling me a 'nigger-lover.'"⁸⁴

His association with blacks got him in trouble. When violence erupted outside one of his Big Beat concerts in Boston in 1958, his detractors blamed the attacks on black hoodlums, a charge that could not be substantiated. Nevertheless, local authorities indicted Freed for inciting a riot and his New York City radio station cut him loose.⁸⁵ The self-proclaimed "King of Rock 'n' Roll" also had his own dance party television program canceled by WABC in New York City the year before because of an incident with racial overtones. While *American Bandstand* managed to keep a low profile when it came to blacks, Freed's show spotlighted one of his vocal guests, Frankie Lymon of the Teenagers, dancing with a white girl in the audience. Distributed throughout the country, the show caused a furor in the South, and in 1957 the network dropped it.⁸⁶

Freed was far from perfect. He was brash and arrogant, employed an agent with connections to organized crime, drank alcohol too heavily, and lived a lavish lifestyle that he supported in part with elaborate gifts from record companies that he explained away as consulting fees. His affinity for black talent did not prevent Freed from cutting himself in on the songwriting credits of Chuck Berry's "Maybelline" and the Moonglows' "Sincerely" and receiving royalties from their successes.⁸⁷

However, as Freed steadfastly maintained his commitment to black performers and became a target of those who attacked rock and roll with racist smears, he gained even greater admiration among African Americans. The singer Jackie Wilson explained Freed's esteem among black entertainers: "Looking at it from an economic standpoint, I can say that because of him, hundreds of Negro musicians, singers, and arrangers got work." When Freed became a prime focus of the payola probe, the *Pittsburgh Courier* wondered if the investigations were "being used as a means of destroying the music that millions of teenagers have come to regard as their own."⁸⁸

The payola scandal destroyed what was left of Freed's downwardly spiraling career. Even before the hearings commenced, Freed had lost jobs on both radio and television. Having moved from WINS to WABC after the Boston incident, Freed was asked by the latter station to sign an affidavit swearing that he had never taken payola. He refused, calling the demand "an insult to my reputation." Nevertheless, the flamboyant disk jockey hurt his case by issuing characteristically flippant remarks. "A man said to me," Freed commented, " 'if somebody sent you a Cadillac, would you send it back?' I said, 'It depends on the color.' " By way of clarification, Freed told reporters that he never accepted money in advance to play a record, "but if anybody wanted to thank him for playing a tune, he saw nothing wrong in accepting a gift."⁸⁹

In contrast, Dick Clark held onto his lucrative job hosting *American Bandstand*. Employed by ABC, the parent company that owned Freed's New York City station, Clark did not have to sign the same kind of affidavit as did his fellow disk jockey. Instead, network executives permitted the Philadelphia broadcaster to fashion his own document that allowed him greater flexibility in denying that he had engaged in improper activities. Defining payola narrowly—the receipt of payments in exchange for playing a particular record—Clark asserted that he had never engaged in it. Yet Clark had to pay a price to keep his position. Heavily involved in an extensive array of enterprises including music publishing, marketing, manufacturing, and artist representation, Clark had to divest himself of these holdings to satisfy ABC's demand that he avoid any conflict of interest. This arrangement infuriated Freed, who howled that given the chance he could have truthfully signed the same statement as did Clark.⁹⁰

Typically, Freed did not exit quietly. Griping that if he were "going to be a scapegoat" then Clark should "be one too," Freed got his wish. He even cooperated with the Harris Committee by appearing in executive session. Under the rules of the House this would keep him from incriminating himself with respect to other judicial action, but it also allowed him to help the committee build a case against Clark. On April 25, 1960, Freed testified in closed session that although he had been on the payroll of several record companies, he had never taken "a dime to play a record. I'd be a fool to. I'd be giving up control of my program."⁹¹ He also criticized ABC officials for favoring Clark, a conclusion that the committee had also reached.

Indeed, Clark and not Freed became the primary target of the Harris Committee's inquiry. To Washington lawmakers, even those as racially sensitive as the Arkansas chairman, rock and roll was harmful whether the records

were spun by Freed or Clark. The *Philadelphian*, however, provided the legislators with the opportunity to make headlines by exposing a star as bright as Charles Van Doren.⁹² For those who believed in the continuing danger of a rigged society, Clark offered a shining example. He might appear clean cut and virtuous on the outside, but the committee intended to show him as corrupt and deceitful on the inside.

Harris's staff had not uncovered much evidence that Clark had accepted payola, narrowly defined as "play for pay." Rather committee investigators discovered that Clark profited from holdings in a network of enterprises related to the music he aired on his program. The popular image of a shadowy individual greasing the palm of a greedy disk jockey with payments did not fit Clark's operation. Through various companies in which he had invested, the proprietor of *American Bandstand* "played records he had an interest in more frequently than those with no interest." A statistical breakdown of his program selections revealed that he played the records he had a stake in earlier and longer.⁹³ Thus, *Billboard* concluded, the nation's premier disk jockey derived royalties from "every possible source of revenue in the music industry, from copyright to distribution."⁹⁴ Congressman Moss coined the word "Clarkola" to describe the *Philadelphian*'s unique variation on the subject under investigation.⁹⁵ On this basis, the *New York Post* entertainment columnist Earl Wilson asserted that "Dick's on the edge of a precipice—and could easily be pushed off."⁹⁶

These dire predictions notwithstanding, Clark turned in a virtuoso performance, one that saved his career, setting him apart from both Freed and Van Doren. Unlike Freed who presented his story behind closed doors in executive session, giving the appearance that he had something to hide, Clark faced the committee in open session on April 29 and May 2, with reporters and cameras recording his testimony. He proved that serving as a pitchman for rock and roll hardly made him an anti-establishment figure. Although he defended the music he played as a wholesome, recreational outlet for teenagers, he came across more as a shrewd businessman than a diehard fan of rock and roll. Pressed about his financial interests in thirty-three different companies that stood to gain from the popularity of *American Bandstand*, he explained his motive as trying to ensure his economic future by diversifying investments in "the recording, publishing, manufacturing [and] distribution fields." At most, he pleaded guilty with an explanation: "I would note that until the committee's activities, no one had really pointed out the inconsistency of performing records and owning an interest in record and music companies," a standard practice in the music industry. Besides, having sold off his

outside musical holdings in agreement with ABC, Clark argued that the issue of improper influence had become moot.⁹⁷

Despite the damaging evidence against him and his obvious tiptoeing around the meaning of the practice of payola, incredibly Clark walked away from the hearings with his reputation intact. The skepticism many committee members voiced about the disk jockey's questionable business arrangements proved not to have much depth. He proved neither a serious threat to traditional American values nor to the civil rights concerns of southern white lawmakers. Chairman Harris spoke for most of his colleagues before dismissing Clark when he said, "You have given us a different light on the use of the broadcast media than has been presented to us by the admitted payola people. . . . You have been very helpful to the committee in the consideration of its responsibility. And I want to compliment you for that." Later when Clark wrote Harris privately to thank him for his "kind consideration," the Arkansas representative replied: "I was pleased to have the privilege of knowing you. I thought you gave a very good account of yourself."⁹⁸ Rather than coming off as the "Baby Face Nelson of the music business," Clark performed before the committee in a polished, courteous manner that distinguished him from the popular image of the sordid disk jockey on the take. A fellow of great charm who continued to receive the firm backing of his network employer ABC, Clark was never in as much danger as he had anticipated. How could he have been? As he later recalled, the chief counsel for the committee, Robert Lishman, during a lunch break brought up his teenage son to Clark to get his autograph and have a picture snapped with him.⁹⁹

Alan Freed did not fare as well. He was the anti-Clark, fostering an image of the untamed, rebellious, and dark (racially and socially) sides of rock and roll. No parents would want him to marry their daughter. If adults could consider Clark the likeable boy next door, they had no room for Freed in their neighborhood. Freed's cooperation with the Harris committee did not spare him from an indictment for commercial bribery by a grand jury in New York City. Whereas Clark's subsequent career has thrived for nearly four decades, after the hearings Freed accepted a plea bargain of a \$500 fine and a suspended six-month jail sentence. He bounced around from job to job for a few years until his death from kidney failure in 1965.¹⁰⁰

The final outcome of the Harris investigation produced mixed results. After Congress passed an antipayola bill, President Eisenhower signed it into law on September 13, 1960. The legislation required any station employee who accepted a payment for broadcasting material or the person making the

payment to report it first to the station management. Failure to comply constituted a crime with a penalty of a year in jail and a \$10,000 fine.¹⁰¹

Passage of the law may have given lawmakers an election-year victory to bring home to their constituents, but it did not kill payola. Endemic to the music business, the practice continued in even more clandestine form. At the end of the year, *Billboard* reported that the law had merely driven payola further underground. According to a survey conducted by the trade journal, the majority of disk jockeys believed that the payola investigation “was more of a political football than a practical cleanup.” Music journalist Ralph Gleason observed that payola was “still alive and well” and that untraceable cash payments had replaced checks as the standard fare of conducting surreptitious business dealings.¹⁰² Nevertheless, with the Justice Department, FCC, and Internal Revenue Service as an increased threat to those who dispensed or accepted illegal payments, payola no longer flourished as it had in the 1950s.¹⁰³

After building throughout the 1950s, the antipayola campaign reached its peak in 1960. The timing mirrored a number of features of the decade’s political culture. Consistent with the myriad investigations into communism, organized crime, juvenile delinquency, and television quiz show fraud, the payola probe sought to expose the dangers to an unsuspecting public, especially among American youth, that came from the manipulation of their musical choices. Genuine payola and real deception certainly existed in the music business, as it had for most of the century, but during the 1950s the subject became a serious political issue because it conformed to the popular view that conspiratorial elements were operating to produce a rigged society. In this context, payola became the “hidden persuader” that produced an inferior and decadent brand of music undermining the nation’s cultural strength and vitality. The drive against payola—“musical McCarthyism” as one contemporary disparagingly called it¹⁰⁴—smeared rock and roll with sinister influences and conveyed multiple fears related to youth, discipline, economic competition, race, and the Cold War. Some involved concerns over the decline of public morality and national purpose in an era of hostile relations with the Soviet Union; others grew out of a power struggle between professional associations in the music field. Moreover, rock and roll and payola mirrored the growing presence of the civil rights movement and racial confrontation on the American political landscape.

In the years after *Brown v. Board of Education*, rock and roll served as a symbolic target for those worried about the wrenching racial changes looming on the horizon. These fears accelerated with tangible examples of black protest such as the Montgomery bus boycott and the desegregation of Cen-

tral High School in Little Rock. Yet for most of the half decade following *Brown*, civil rights efforts were scattered, nonconfrontational, and confined largely to Congress and the courts. This changed dramatically in 1960 with the rise of student activism and the sit-ins. The pace of black protest heightened as did awareness of direct attacks on the racial status quo. Those upset by the changes that the black freedom struggle promised to bring had more palpable areas for concern than rock and roll now furnished. Thus, by 1960, the chief threat to white supremacy came not from the musical transmission of black popular culture but from the mobilization of a mass movement of blacks and their white allies. Although rock and roll continued to provide the soundtrack for young activists in the struggle, it drifted away from the center of the contest for black advancement in the South and the nation. During the 1960s, payola persisted in the music industry and rock and roll transformed itself into a more powerful product even as their value as political and cultural signifiers of racial tensions diminished.¹⁰⁵

NOTES

1. On congressional anticommunism, Robert Griffith, *Politics of Fear: Joseph McCarthy and the Senate* (Amherst: University of Massachusetts Press, 1987); William Howard Moore, *The Kefauver Committee and the Politics of Crime, 1950–1952* (Columbia: University of Missouri Press, 1974); and James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (New York: Oxford University Press, 1986); Kent Anderson, *Television Fraud: The History and Implications of the Quiz Show Scandals* (Westport, Conn.: Greenwood, 1978).

2. Quoted in Kerry Seagrave, *Payola in the Music Industry: A History, 1880–1991* (Jefferson, N.C.: McFarland, 1994), 12. Seagrave dates the first appearance of the word *payola* to 1938 (p. 1). John A. Jackson, *Big Beat Heat: Alan Freed and the Early Years of Rock & Roll* (New York: Schirmer Books, 1991), 245, dates it to 1916, but gives no specific reference. Whenever the term formally appeared, it is clear that the concept was well known around the turn of the century. See also, R. H. Coarse, "Payola in Radio and Television Broadcasting," *Journal of Law and Economics* 22 (October 1979): 32; Marc Eliot, *Rockonomics: The Money Behind the Music* (New York: Citadel Press, 1993), 10; *Billboard*, November 23, 1959, p. 4.

3. Seagrave, *Payola*, 29; Coarse, "Payola," 286; Steve Chapple and Reebee Garofalo, *Rock 'n' Roll Is Here to Pay: The History and Politics of the Music Industry* (Chicago: Nelson-Hall, 1977), 55.

4. *Variety*, November 11, 1959, p. 55; Chapple, *Rock 'n' Roll*, 60; Eliot, *Rockonomics*, 42.

5. Jackson, *Big Beat*, 252; Dorothy Wade and Justin Picardie, *Music Man: Ahmet Ertegun, Atlantic Records, and the Triumph of Rock 'n' Roll* (New York: W. W. Norton, 1989), 89; Fredric Dannen, *Hit Men: Power Brokers and Fast Money Inside the Music Business* (New York: Times Books, 1990), 43 ff. For example, in 1909, New York made it illegal for anyone either to offer or accept a gratuity "with intent to influence" an employee's behavior without the employer's knowledge. However, this statute was aimed at department stores and not music industry practices.

6. Quoted in Coarse, "Payola," 276. See also Coarse, 278, 279, 280, 283, 285; Seagrave, *Payola*, 16; Hazel Meyer, *The Gold in Tin Pan Alley* (Philadelphia: Lippincott, 1958), 155. Over the years the MPPA proved ineffective in curbing payola; without enforcement power it could not stop publishers from trying to gain an advantage at the expense of their competitors by reviving payoffs. An abortive effort to curb the practice came with an antipayola provision inserted in the music business code under the New Deal's National Recovery Administration. Before the code could go into effect, the Supreme Court declared the NRA unconstitutional in 1935.

7. *Variety*, July 21, 1954, p. 35, July 28, 1954, p. 107, August 11, 1954, pp. 43, 49

8. *Variety*, February 23, 1955, p. 2.

9. Quoted in Gilbert, *Cycle*, 201; Grace Palladino, *Teenagers: An American History* (New York: Basic Books, 1996), 53, 156–157; Thomas Doherty, *Teenagers and Teenpics* (Boston: Unwin Hyman, 1988), 6, 54; David Szatmary, *Rockin' in Time: A Social History of Rock-and-Roll* (Englewood Cliffs, N.J.: Prentice-Hall, 1991), 24; Jonathan Kamin, "Parallels in the Social Reactions to Jazz and Rock," *Journal of Jazz Studies* 2 (1974): 121; Eliot, *Rockonomics*, 65.

10. Gilbert, *Cycle*, 176.

11. Gilbert, *Cycle*, 10, 13–14; Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 1988), chaps. 4 and 5.

12. Greenfield, *No Peace, No Place* (Garden City, N.Y.: Doubleday, 1973), 29, 56. On high schools as an institution to keep working-class and ethnic influences away from middle-class whites and at the same time promote values of tolerance, see William Graebner, *Coming of Age in Buffalo: Youth and Authority in the Postwar Era* (Philadelphia: Temple University Press, 1990); Gertrude Samuels, "Why They Rock 'n' Roll—And Should They?," *New York Times Magazine*, January 12, 1958, p. 19; Doherty, *Teenagers and Teenpics*, 81; Palladino, *Teenagers*, 124; Carl Belz, *The Story of Rock* (New York: Oxford University Press, 1972), 20.

13. King in *Ebony*, April 1958, p. 104; Joe Bostic in *Amsterdam News*, March 5, 1955, p. 26. On the belief that " 'bad' working-class teenagers were leading the rest

astray," see Simon Frith, *Sound Effects: Youth, Leisure, and the Politics of Rock 'n' Roll* (New York: Pantheon, 1981), 186. George Lipsitz, *Time Passages: Collective Memory and American Popular Culture* (Minneapolis: University of Minnesota Press, 1990), 123, and "Ain't Nobody Here but us Chickens: The Origins of Rock and Roll," in George Lipsitz, ed., *Rainbow at Midnight: Labor and Culture in the 1960s* (Urbana: University of Illinois Press, 1994), 330; Jackson Lears, "A Matter of Taste: Corporate Hegemony in Mass Consumption Society," in Lary May, ed., *Recasting America: Culture and Politics in the Age of Cold War* (Chicago: University of Chicago Press, 1989), 53; Palladino, *Teenagers*, 152; Michael Bane, *White Boys Singin' the Blues* (New York: Da Capo, 1982), 125–126; Wini Breines, *Young, White, and Miserable: Growing Up Female in the Fifties* (Boston: Beacon Press, 1992), 20.

14. May, *Homeward Bound*, chap. 5.

15. Greenfield, *No Peace*, 53.

16. John A. Jackson, *American Bandstand: Dick Clark and the Making of a Rock 'n' Roll Empire* (New York: Oxford University Press, 1997), 217, quoting Philadelphia disk jockey Hy Lit.

17. Charlotte Grieg, *Will You Still Love Me Tomorrow? Girl Groups from the Fifties On*, (London: Virago Press, 1989), 26.

18. For many teenagers rock and roll became, as Wini Breines asserts, "a symbol of youth rebellion against authority, with sex and race the not-so-hidden-narrative." Breines, *Young*, 155; Susan J. Douglas, *Where the Girls Are: Growing Up Female with the Mass Media* (New York: Times Books, 1994), 84.

19. "Warning to the Music Business," *Variety*, February 23, 1955, p. 2. As it developed in the 1950s, rock and roll evolved into a hybrid of rhythm and blues and the country-flavored sounds of rockabilly as exemplified in the music of Elvis Presley, Jerry Lee Lewis, Carl Perkins, and Buddy Holly.

20. Russell Sanjek, *American Popular Music and Its Business in the 20th Century* (New York: Oxford University Press, 1988), 326; Shane Maddock, "Whole Lotta Shakin' Goin' On: Racism and Early Opposition to Rock Music," *Mid-America* 78(Summer 1996): 182; Peter Guralnick, *Last Train to Memphis: The Rise of Elvis Presley* (Boston: Little, Brown, 1994), 39–40.

21. Breines, *Young*, 153–154; Jerry Wexler and David Ritz, *Rhythm and the Blues: A Life in American Music* (New York: St. Martin's Press, 1993), 286; Richard A. Peterson, "Why 1955? Explaining the Advent of Rock Music," *Popular Music* 9 (1990): 99, 101; Szatmary, *Rockin'*, 23; Palladino, *Teenagers*, 152; Chappell, *Rock 'n' Roll*, 41; *Variety*, July 6, 1955, p. 43.

22. Frye Gaillard, *Race, Rock, and Religion: Profiles from a Southern Journalist*, (Charlottesville: University Press of Virginia, 1982), 74; Charlie Gillett, *The Sound of the City: The Rise of American Rock and Roll* (New York: Pantheon, 1983), 38.

23. Nelson George, *The Death of Rhythm & Blues* (New York: Pantheon, 1988), 63.

24. Wexler, *Rhythm*, 90; Graebner, *Buffalo*, 29; George Lipsitz, "Land of a Thousand Dances: Youth, Minorities and the Rise of Rock and Roll," in May, *Recasting America*, 273; Jackson, *Big Beat*, 335; David Nasaw, *Going Out: The Rise and Fall of Public Amusements* (New York: Basic Books, 1993), 244; Trent Hill, "The Enemy Within: Censorship in Rock Music in the 1950s," in Anthony DeCurtis, ed., *Present Tense: Rock & Roll Culture* (Durham, N.C.: Duke University Press, 1992), 53. Otis, a musician as well as disk jockey, was an interesting case. Of Greek origin, he identified himself as culturally black, and his show in Los Angeles appealed to Latinos as well as blacks and whites.

25. Brian Ward, *Just My Soul Responding: Rhythm and Blues, Black Consciousness, and Race Relations* (Berkeley: University of California Press, 1998), 128.

26. Robert Palmer, "The '50s," *Rolling Stone*, April 19, 1989, p. 48; Richard Welch, "Rock 'n' Roll and Social Change," *History Today* 40 (February 1990): 32; Breines, *Young*, 152; Hill, "Enemy," 50.

27. Ward, *Just My Soul*, 129–130; Martha Bayles, *Hole in Our Soul: The Loss of Beauty and Meaning in American Popular Music* (New York: Free Press, 1994), 115.

28. *Shreveport Journal*, November 12, 1959, clipping, Box 1149, Oren Harris Papers, University of Arkansas, Fayetteville.

29. Ward, *Just My Soul*, 103; *Newsweek*, April 23, 1956, p. 32.

30. Gerald Early has written: "These were the years . . . in which America recognized and cringed before, the social reality . . . of a miscegenated culture in which, beneath the mask of inhuman racial etiquette where everyone supposedly was as separated as the twin beds in the bedroom of nearly every 1950s T.V. sitcom, there lurked an unquenchable thirst for mixing." Quoted in Breines, *Young*, 152; Lipsitz, "Land of a Thousand Dances," 273, 280–281; Robert Palmer, *Rock & Roll: An Unruly History* (New York: Harmony Books, 1995), 139; Frith, *Sound*, 24; Szatmary, *Rockin'*, 25.

31. Linda Martin and Kerry Seagrave, *Anti-Rock: The Opposition to Rock 'n' Roll*, (Hamden, Conn.: Archon Books, 1988), 41, 103. See *Christian Century*, April 11, 1956, p. 444, and *Chicago Defender*, April 14, 1956, p. 13, for critical responses to Carter's charges. Carter's group, extremist even by Alabama standards, went beyond mere words and resorted to violence to protect white virtue. On April 10, 1956, several of its members attacked Nat King Cole while he was performing to a whites-only audience in the Birmingham Municipal Auditorium. Cole was hardly a rock and roll crooner, but he shared the stage with a white woman singer, which according to Carter posed the same threat as authentic rock and roll performers who also took their shows to Birmingham. After all, Carter reasoned, it marked only "a short step . . . from the sly, nightclub technique vulgarity of Cole, to the openly animalistic obscenity of the horde of Negro rock and rollers. Ward, *Just My Soul*, 100.

32. *Congressional Record*, 85th Cong., 1st Sess., August 15, 1957, Appendix, 6288. John Charles Hajduk, "Music Wars: Conflict and Accommodation in America's Culture Industry, 1940–1960" (Ph.D. diss., State University of New York at Buffalo, 1995), 432; Martin, *Anti-Rock*, 37, 53; Maddock, "Whole Lotta Shakin'," 189–190; *Variety*, June 13, 1956, p. 51, September 5, 1956, p. 33; *Life*, "Rock and Roll," p. 168; *Time*, June 18, 1956, p. 54.

33. *Amsterdam News*, July 14, 1956, p. 12; *Pittsburgh Courier*, October 6, 1956, p. 9; *Ebony*, December 1956, p. 80.

34. Hajduk, "Music Wars," chap. 2.

35. The information on ASCAP and BMI in these two paragraphs comes from, Hill, "Enemy," 58–59; Sanjek, *American Popular Music*, 308, 328; Hajduk, "Music Wars," 481; Chapple, *Rock 'n' Roll*, 65; Eliot, *Rockonomics*, 57; Ward, *Just My Soul*, 119; Coarse, "Payola," 315.

36. Seagrave, *Payola*, 104–105.

37. Chapple, *Rock 'n' Roll*, 46; Hajduk, "Music Wars," 479; *Billboard*, April 7, 1958, p. 10.

38. House of Representatives, Antitrust Subcommittee of the Committee of the Judiciary, Hearings, "Monopoly Problems in Regulated Industries," 84th Cong., 2d Sess. (Washington, D. C., 1957), 4141, 4425, 4426, 4427, 4428.

39. In 1957 the Celler Committee issued a report concluding that as "disk jockeys are responsible for selecting much of the music played on the air . . . BMI has made the effort to influence them to favor its music." House of Representatives, Committee on the Judiciary, Hearings, "Television Broadcasting Industry, Report of the Antitrust Subcommittee," 85th Cong., 1st Sess., (Washington, D. C., 1957), 122.

40. The Smathers bill, S. 2834, sought to amend the Communications Act of 1934. At around the same time, Congressman James Roosevelt conducted hearings before the Select Committee on Small Business in the House into charges by dissident ASCAP members that the society favored a small group of large music publishing firms. Though proving inconclusive, the investigation heard ASCAP officials brag that ASCAP had few composers of rock and roll. House of Representatives, Subcommittee No. 5 of the Select Committee on Small Business, Hearings, "Policies of American Society of Composers, Authors, and Publishers," 85th Cong., 2d Sess. (Washington, D.C., 1958), 1, 16–17. Defensive about its internal management practices, ASCAP had another incentive for continuing its war with BMI and welcoming investigations into payola. Sanjek, *American Popular Music*, 421.

41. United States Senate, Committee on Interstate and Foreign Commerce, Subcommittee on Communication, Hearings, "Amendment to the Communications Act of 1934," [Pastore Hearings], 85th Congress, 2d Sess. (Washington, D.C., 1958), 107; Daniel Horowitz, *Vance Packard and American Social Criticism* (Chapel Hill: Uni-

versity of North Carolina Press, 1994), 199; Vance Packard, *The Hidden Persuaders* (New York: Simon & Schuster, 1957).

42. Pastore Hearings, 136.

43. Pastore Hearings, 995.

44. Pastore Hearings, 541.

45. Pastore Hearings, 150, 607, 1181, 1184, 1218; Hajduk, "Music Wars," 494. Six months after the hearings ended, a federal court dismissed ASCAP's complaint that BMI had engaged in a conspiracy against it but upheld the plaintiff's right to sue BMI for discriminating against its members' compositions. In any event, the networks began to divest their ownership of BMI and left control in the hands of the independent stations. Sanjek argues that network executives did not want to become embroiled in the widening payola scandal and its association with "unsavory rock 'n' roll." Sanjek, *American Popular Music*, 431, 432.

46. Anderson, *Television Fraud*; Richard S. Tedlow, "Intellect on Television: The Quiz Show Scandals of the 1950s," *American Quarterly* 28 (Fall 1976): 483–495.

47. Richard N. Goodwin, *Remembering America: A Voice From the Sixties* (Boston: Little, Brown, 1988), 63. Goodwin soon joined Kennedy's staff as a speechwriter.

48. Stephen Whitfield, *The Culture of the Cold War* (Baltimore: Johns Hopkins University Press, 1991), 176–177; Greenfield, *No Peace*, 142.

49. Walter Karp, "The Quiz Show Scandal," in Leonard Dinnerstein and Kenneth T. Jackson, eds., *American Vistas 1877 to the Present*, 6th ed. (New York: Oxford University Press, 1991), 330; Hajduk, "Music Wars," 502 n. 66; Karal Ann Marling, *As Seen on TV: The Visual Culture of Everyday Life in the 1950s* (Cambridge, Mass.: Harvard University Press, 1994), 183.

50. Whitfield, *Culture*, 177. Steinbeck's concern about moral decline also emerged in his novel *The Winter of Our Discontent* (New York: Viking, 1961).

51. Coarse, "Payola," 291; House of Representatives, Subcommittee on Legislative Oversight, *Interim Report*, [No. 1258] "Investigation of Regulatory Commissions and Agencies," 86th Cong., 2d Sess., (Washington, D. C., 1960), 37; Sanjek, *American Popular Music*, 439; Seagrave, *Payola*, 100–101; *Variety*, November 11, 1959, p. 1.

52. Subcommittee on Legislative Oversight, *Interim Report*, 37.

53. Oren Harris to A. Reed, January 21, 1950, Box 1109; William Colmer to Oren Harris, February 24, 1950, and Harris to Colmer, February 27, 1950, Box 1109; Harris to B. W. Mitchell, June 14, 1949, Box 1109, Harris Papers, Special Collections Division, University of Arkansas Library, Fayetteville.

54. Harris Speech, February 22, 1950, Box 1109, Harris Papers.

55. Roy Reed, *Faubus: The Life and Times of An American Prodigal*, (Fayetteville: University of Arkansas Press, 1997), 249, 263; Oren Harris to O. D. Johnson, September 30, 1957, Harris to A.G. Davis, September 16, 1957, Harris to George F. Edwards,

October 21, 1957, Box 1136, Harris Papers. For other examples of Harris's racial views see Ward, *Just My Soul*, 169; *Arkansas Gazette*, August 14, 1960, p. A4; Oren Harris to Alvy Edwards, July 8, 1959, Box 1143, Harris Papers.

56. *American Nationalist* attached to Oren Harris to J. J. Babb, January 5, 1960, Box 1149, Harris Papers. Babb lived in Arkansas, but the *American Nationalist* originated from California.

57. Oren Harris to J. J. Babb, January 5, Box 1960, 1149, Harris Papers. On the bottom of the copy of the *American Nationalist*, Babb, from El Dorado, Arkansas, had penned: "Dear Oren: Is this angle too hot to handle?"

58. On the "fallow years" of King and civil rights protest, see Adam Fairclough, *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King, Jr.* (Athens: University of Georgia Press, 1987), chap. 2. On the unsteady progress toward the ballot during the 1950s, see Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944–1969* (New York: Columbia University Press, 1976).

59. Bernard Schwartz, *The Professor and the Commissions* (New York: Alfred A. Knopf, 1959), 9, 96. "Statement of Dr. Bernard Schwartz," February 10, 1958, Box 1298, Harris Papers. Harris declared that he fired Bernard Schwartz for insubordination. "Statement of Honorable Oren Harris Upon Assuming Chairmanship of Special Subcommittee on Legislative oversight, Wednesday, February 12, 1958," Box 1298, Harris Papers.

60. Besides Harris, Democrats included Peter Mack of Illinois, Walter Rogers of Texas, John J. Flynt of Georgia, and John Moss of California. On the Republican side were John B. Bennett of Michigan, William Springer of Illinois, Steven B. Derounian of New York, and Samuel L. Devine of Ohio.

61. John E. Moss interview by Donald B. Seney, State Government Oral History Program, copy in Bancroft Library, University of California at Berkeley, pp. 6, 12–13, 183. "Memo from Moss," April 14, 1960, June 16, 1960, Scrapbook clippings, John E. Moss Papers, University Archives, California State University at Sacramento.

62. U. S. House of Representatives, Subcommittee on Legislative Oversight, Committee on Interstate and Foreign Commerce, "Responsibilities of Broadcasting Licensees and Station Personnel," [Payola Hearings], 86th Cong., 2d Sess. (Washington, D.C., 1960), 192, 870.

63. *Public Papers of the President, Dwight David Eisenhower, 1959* (Washington, D. C.: U.S. Government Printing Office, 1960), 277. At the same time, Eisenhower tried to quell the public outcry over the decline of public morality by commenting at a news conference on November 4, 1959, that he did not think "that America has forgotten her own moral standards." He compared the quiz show scandal to the Chicago Black Sox scandal of the 1919 World Series.

64. "Report to the President by the Attorney General on Deceptive Practices in Broadcasting Media, December 30, 1959," in Subcommittee on Legislative Oversight, *Interim Report*, Appendix E, pp. 63, 65, 70. *New York Times*, January 1, 1960, p. 1; *Billboard*, January 11, 1960, p. 1; William Boddy, *Fifties Television: The Industry and its Critics* (Urbana: University of Illinois Press, 1990), 224.

65. Payola Hearings, 183, 620, for representative testimony of Cleveland's Wes Hopkins and Bob Clayton from Boston.

66. See testimony of Samuel Clark, Payola Hearings, 485, for the view of what the record company hoped to get from payola.

67. Payola Hearings, 1, 331–332.

68. Payola Hearings, 92, 247; *Billboard*, February 15, 1960, p. 2; Sanjek, *American Popular Music*, 448.

69. Payola Hearings, 247, 252; *Broadcasting*, February 15, 1960, p. 54. Lee Gorman to Oren Harris, March 14, 1960 and Harris to Gorman, March 19, 1960, Box 1297, Harris Papers about employment for Richards in the wake of the investigation. For two opposing views on the ritual of confession and anticommunism see Victor S. Navasky, *Naming Names* (New York: Viking Press, 1980) and William L. O'Neill, *A Better World: The Great Schism—Stalinism and the American Intellectuals* (New York: Simon & Schuster, 1982).

70. Both federal agencies conducted their own investigations of payola, with the FTC uncovering payoffs to 255 disk jockeys in twenty-six states and issuing complaints against more than a hundred record companies and distributors to cease engaging in the unfair practice. Nevertheless, ASCAP had no more success against its BMI adversary in the administrative realm than it had in the judicial. Although the Justice Department eventually filed an antitrust suit against BMI in 1964, the government accepted an agreement that allowed broadcasters to retain ownership of BMI. Jackson, *Big Beat*, 322. *Variety*, March 9, 1960, p. 61, March 23, 1960, p. 24; December 9, 1959, p. 53; *Billboard*, May 23, 1960, p. 2; *Broadcasting*, February 22, 1960, pp. 36, 40; *New York Times*, August 8, 1960, p. 13; *New York Post*, December 3, 1959, pp. 5, 64; Hajduk, "Music Wars," 513; Seagrave, *Payola*, 135, 138; Sanjek, *American Popular Music*, 449; Payola Hearings, 641.

71. During the hearings in mid-March, Eisenhower accepted the resignation of his appointed chairman of the FCC, John C. Doerfer, who had testified before the Harris Committee of taking a Florida vacation aboard the yacht of George Storer, a wealthy owner of radio and television stations licensed by the FCC. Republicans on the committee, led by John Bennett of Michigan sought to move up the timetable for bringing the disk jockey Dick Clark to the nation's capital to testify in order to deflect attention away from this scandal tainting the GOP administration. Harris and the Democrats, however, did not act for another month and a half. Payola Hearings,

March 4, 1960, pp. 652, 725; *New York Post*, March 13, 1960, p. 5; *New York Times*, March 21, 1960, pp. 1, 28; "Statement of John B. Bennett," March 21, 1960; "Statement by Congressman Peter F. Mack and Congressman John E. Moss, March 21, 1960; Robert Lishman to Oren Harris, March 16, 1960, miscellaneous, Moss Papers.

72. Berry had been convicted on a morals charge allegedly for transporting a fourteen-year-old girl across state lines in violation of the Mann Act. Little Richard turned to the ministry. Szatmary, *Rockin'*, 56–59.

73. Steven F. Lawson, "The Florida Legislative Investigation Committee and the Constitutional Readjustment of Race Relations, 1956–1963," in Kermit L. Hall and James W. Ely Jr., eds., *An Uncertain Tradition: Constitutionalism and the History of the South* (Athens: University of Georgia Press, 1989), 296–325; John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1994), 80–83.

74. Jackson, *American Bandstand*, 60; Davidson, "Dick Clark," 111.

75. Dick Clark, *Your Happiest Years* (New York: Rosho Corporation, 1959), 17; Dick Clark and Richard Robinson, *Rock, Roll, and Remember* (New York: Crowell, 1976), 146.

76. Clark and Robinson, *Rock, Roll, and Remember*, 67; *New York Times*, March 5, 1960, p. 40; Belz, *Story of Rock*, 104; Jackson, *American Bandstand*, 69; Henry Schipper, "Dick Clark Interview," *Rolling Stone*, April 19, 1990, p. 68.

77. Jackson, *American Bandstand*, 66. Even with his squeaky-clean visage, Clark could not entirely remove himself from the negative images identified with rock and roll. He was called "The Czar of the Switchblade Set," "The Kingpin of the Teen-age Mafia," and "the Pied Piper of Bedlam." Pete Martin, "I Call on Dick Clark," *Saturday Evening Post*, October 10, 1959, p. 27; Bill Davidson, "The Strange World of Dick Clark," *Redbook*, March 1960, p. 111.

78. Clark and Robinson, *Rock, Roll, and Remember*, 82; Martin, *Anti-Rock*, 107; Schipper, "Dick Clark," 126; Donald Clarke, *The Rise and Fall of Popular Music* (New York: Viking, 1995), 422–423.

79. Letter from Dorothy Simmons, *Pittsburgh Courier*, September 5, 1959, p. 22, quoted in G. E. Pitts column. See also Jackson, *American Bandstand*, 141.

80. Clark recalled: "You can't live and eat and sleep next to people in a bus . . . and not begin to feel these are my people, we are together." Clark and Robinson, *Rock, Roll, and Remember*, 58, 135–136; Jackson, *Bandstand*, 204–205; Schipper, "Dick Clark," 70; *Amsterdam News*, May 21, 1960, p. 17. However, in 1960 Clark suspended operation of the tours into the Southeast after encountering opposition from whites. Clark and Robinson, *Rock, Roll, and Remember*, 245.

81. Ward, *Just My Soul*, 168.

82. Eliot, *Rockonomics*, quoting Joe Smith, p. 86.

83. *New York Times*, May 20, 1960, p. 62; Greenfield, *No Peace*, 47; Martin, *Anti-Rock*, 95.

84. Jackson, *Big Beat*, 34, 42, 73; Ward and Picardie, *Music Man*, 76, 85; Martin, *Anti-Rock*, 95; Rick Sklar, *Rocking America: An Insider's Story* (New York: St. Martin's Press, 1984), 21. Reinforcing this image, the *Pittsburgh Courier* gave Freed a special Brotherhood Award for promoting black talent.

85. The charges were later dropped, but not before Freed incurred huge legal fees. Jackson, *Big Beat*, 200–212, 247; “Rock ‘n’ Riot,” *Time*, May 19, 1958, p. 50; Palmer, *Rock & Roll*, 136.

86. Jackson, *Big Beat*, 168; Martin, *Anti-Rock*, 97.

87. Jackson, *Big Beat*, 105–106; Ward and Picardie, *Music Man*, 82; Palmer, *Rock & Roll*, 138; Wexler, *Rhythm*, 129–131; Chuck Berry, *The Autobiography* (New York: Simon & Schuster, 1987), 107; *Amsterdam News*, November 20, 1954, pp. 8, 27, July 7, 1956, p. 20, November 24, 1956, p. 14; George, *Death*, 91. When he first came to New York City he drew fire from Gotham's black press for slicing into the radio and concert market of black disk jockeys, including emceeding programs at the famed Apollo Theater in Harlem.

88. *Pittsburgh Courier*, December 19, 1959, pp. 1, 23; *Amsterdam News*, February 6, 1960, p. 15.

89. “Now Don't Cry,” *Time*, December 7, 1959, p. 47; *Variety*, November 25, 1959, p. 1; Chapple, *Rock ‘n’ Roll*, 63.

90. Jackson, *Big Beat*, 279–280; *New York Post*, November 23, 1959, p. 41. Freed attributed the different treatment to the fact that Clark appeared on some three hundred stations and earned \$12 million for the television network, while he broadcast on one radio station and brought in only \$250,000 in revenue.

91. Jackson, *Big Beat*, 285; *New York Post*, April 25, 1960, p. 5. Jackson was given access to Freed's testimony, which the committee never released as part of its published hearings. Such testimony is closed to researchers for fifty years unless the House clerk grants permission. After many attempts to obtain permission, my request was denied.

92. On the Clark–Van Doren comparison, *New York Post*, May 2, 1960, p. 4; Clark and Robinson, *Rock, Roll, and Remember*, 219; Payola Hearings, 1341.

93. Payola Hearings, testimony of Joseph Tryon, pp. 1013, 1015, 1017; Doherty, *Teenagers and Teenpics*, 224; R. Serge Denisoff, *Tarnished Gold: The Record Industry Revisited* (New Brunswick, N.J.: Transaction Books, 1986), 238.

94. *Billboard*, May 9, 1960, p. 1.

95. *Washington Post*, April 30, 1960, pp. A1, A3. The Republican Steven B. Derounian judged Clark guilty of “royola.” Payola Hearings, 1159.

96. *New York Post*, March 31, 1960, p. 12.

97. Payola Hearings, 1168, 1169, 1170, 1176, 1182, 1211.

98. Payola Hearings, 1351; Dick Clark to Oren Harris, May 4, 1960, Harris to Clark, May 6, 1960, Box 1149, Harris Papers.

99. Schipper, "Dick Clark," 70; "Teen Agers' Elder Statesman," *TV Guide*, August 29–September 4, 1959, p. 21; *Variety*, May 4, 1960, pp. 1, 50; Mary McGrory, "No Business Like," *New York Post*, May 3, 1960, p. 2 (magazine). Despite his escape, Clark came away bitter. He said the experience taught him "to protect your ass at all times." Clark and Robinson, *Rock, Roll, and Remember*, 225; Leonard H. Goldenson with Marvin J. Wolf, *Beating the Odds* (New York: Scribner, 1991), 164–165.

100. Of the seven others indicted with Freed, three were local black disk jockeys. Two of the black disk jockeys also admitted wrongdoing, while the remaining African American and three whites had the charges dropped. In contrast, Clark avoided prosecution in an investigation into payola undertaken by the Philadelphia district attorney, which produced admissions of guilt from over twenty disk jockeys and several of Clark's business associates. Moreover, in cooperation with law enforcement officials, Clark agreed to head a local organization of disk jockeys that pledged to draw up a code of ethics to stamp out payola. Jackson, *Big Beat*, 298–315; Jackson, *American Bandstand*, 191; *Billboard*, August 29, 1960, p. 1; *Amsterdam News*, May 28, 1960, p. 1.

101. Seagrave, *Payola*, 157; Coarse, "Payola," 298; Eliot, *Rockonomics*, 83; *Billboard*, June 13, 1960, p. 1; Minutes, Committee on Interstate and Foreign Commerce, 86th Cong, 2d Sess., June 9, 1960, RG 233, Box 207, National Archives; House of Representatives, Committee on Interstate and Foreign Commerce, "Report to accompany S. 1898, Communication Act Amendments, 1960," 86th Cong., 2d Sess. (Washington, D. C., 1960), 47; *Broadcasting*, July 4, 1960, p. 60, August 29, 1960, p. 3; *New York Times*, August 26, 1960, p. 1, August 31, 1960, p. 19.

102. *Billboard*, December 19, 1960, pp. 1, 3, 4; *Variety*, October 26, 1960, p. 57.

103. The target of payola shifted from disk jockeys to program directors who compiled the play lists. Coarse, "Payola," 206; Hill, "Enemy," 67.

104. The phrase comes from a quote by an anonymous record company executive, *Billboard*, January 18, 1960, p. 2.

105. The introduction of rap and hip-hop music in the late 1980s and 1990s, with the civil rights movement in secular decline, revived attacks against black musical forms considered offensive to (white) middle-class standards of decency. Tricia Rose, *Black Noise: Rap Music and Black Culture in Contemporary America* (Hanover, N.H.: University Press of New England, 1994).