

Neil Young,
Pharoah
Saunders
& The Great
Africa Dope Burn

ROLLING STONE

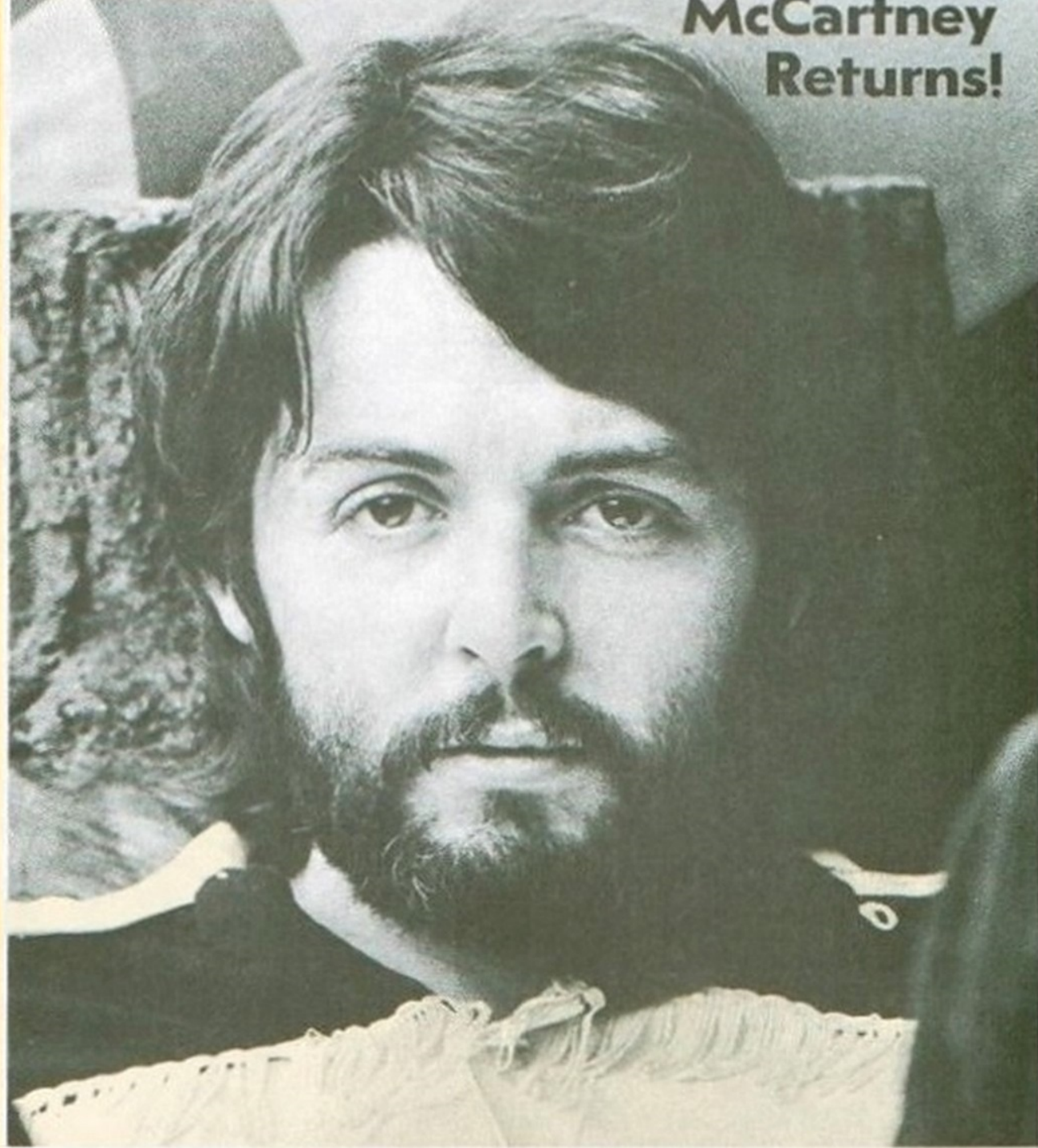
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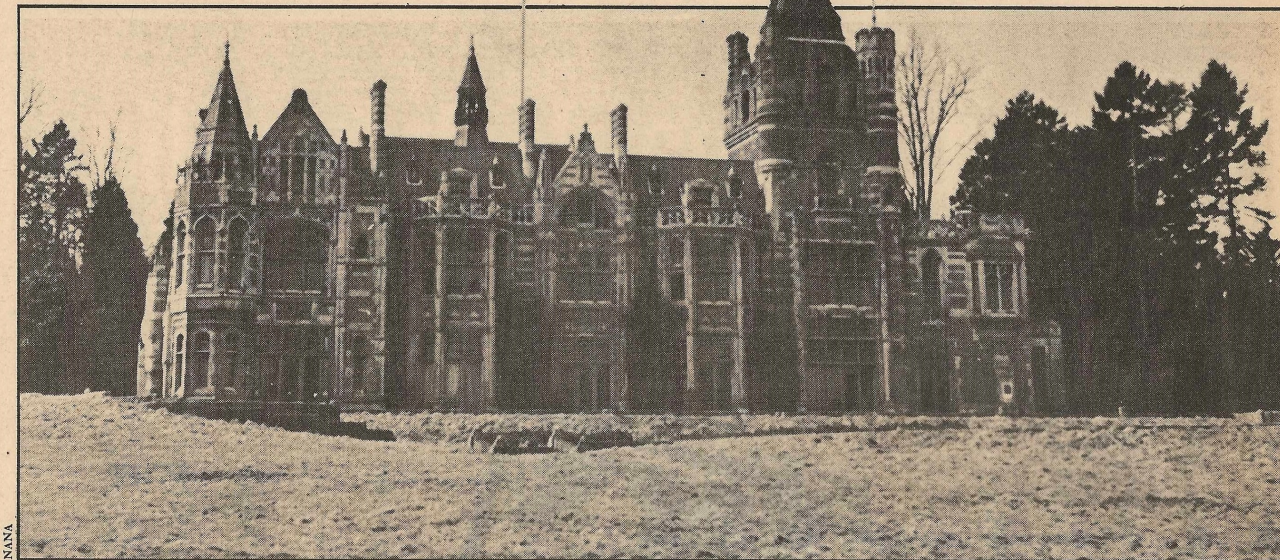
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**Paul
McCartney
Returns!**





NANA

Garcia's 'Shit' Is Poison, FCC Rules

BY BEN FONG-TORRES

WASHINGTON, D.C. — The FCC, newly-toughened watchdog for the public interest, convenience, necessity, and morality, has ruled that Jerry Garcia was "obscene" on radio and slapped a fine on an educational FM station for broadcasting an interview with him.

This despite the fact that the FCC received not so much as one complaint from a listener about the show, aired on WUHY-FM in Philadelphia on Sunday night, January 4th.

The decision, handed down April 3rd on a 4-2 vote, says a lot of things for the first time, and, if it stands unchallenged, it may well affect other small stations, in the worst ways.

WUHY was shot down for a show called *Cycle II*, a one-hour show described by the station as "concerned with the avant-garde movement in music, publications, art, film, personalities, and other forms of social and artistic experimentation."

The January 4th show featured a taped interview of Jerry Garcia, recorded in Garcia's hotel room in New York the day before.

In its decision ("Notice of Apparent Liability"), the Commission charged that "his comments were frequently interspersed with the words 'fuck' and 'shit,' used as adjective, or simply as an introductory expletive or substitute for the phrase 'et cetera.'"

The FCC listed examples:

"Shit man.

"I must answer the phone 900 fuckin' times a day, man.

"Right, and it sucks it right fuckin' out of ya, man.

"That kind of shit.

"It's fuckin' rotten, man. Every fuckin' year.

"... shit this.

"... and all that shit ...

"... and shit like that ..."

However, in an appendix to the decision, larger quotes were cited, making clear that the "patently offensive" words, as the FCC called them, were hardly noticeable. The subject was ecology:

"For example, I have friends who I've known since like they started college, you know, and like now it's eight years later and they're all Ph.D.s—stuff like that. It's just coming out in those terms ... I know quite a few of these people who have switched their major in the last year to Ecology and that kind of shit, because it's like really important right now. It's a big emergency going on. Okay, so—and their approach to it is generally to get together on the level of bodies of influence—that is to say, governmental shit, you know, things like that business and so forth, and stuff like that."

This kind of rap, the FCC ruled, is "patently offensive to millions of listeners." Shit ...

The FCC fixed a \$100 "forfeiture" on WUHY for the crime, citing its obscenity statutes. Specifically, the FCC called the broadcasted material "indecent," using the argument that if Garcia was allowed to say "shit" without penalty, then Top 40 jocks could start saying things like

HENLEY (near Oxford)—The prominent composer of *Wonderwall*, Mr. George Harrison, has purchased this 30-room Gothic mansion at Henley for \$336,000. Called Friar Park, the home, which has been a convent for the past 15 years, comes complete with 35 acres of parkland, a secret passage which leads to several underground rivers, and a grand ballroom which Mr. Harrison plans to convert into a recording studio so as to avoid the 35-mile drive to Abbey Road.

"listen to this motherfucker" (FCC's example). This was, the Commission noted, the first time a station was being punished for violating obscenity laws, rather than the usual "not adhering to its stated policies."

The FCC wouldn't have known about the Garcia interview except for having received letters about *Cycle's* immediate predecessor, *Feed*, a hip-oriented one-hour show that ran on Sunday nights for a year and a half until last November. The FCC didn't notify WUHY of any complaints, but chose to monitor the station instead. In effect, the Commission, sitting in Washington listening to an air-check, decided "community standards" for Philadelphia and WUHY's audience.

As FCC member Nicholas Johnson wrote in a searing dissent to the 4-to-2 decision, "what the FCC decides, after all, is that the swear words of the lily-white middle class may be broadcast, but that those of the young, the poor, or the blacks may not."

Johnson, the one outstanding people's advocate on the FCC, also noted: "When we do go after broadcasters, I find it pathetic that we always seem to pick upon the small, community service stations like a KPFF, WBAI, KRAB, and now WUHY-FM. It is ironic that of the public complaints about broadcasters' 'taste' received in my office, there are probably 100 or more about network television for every one about stations of this kind. Surely if anyone were genuinely concerned about the impact of broadcasting upon the moral values of this nation, he ought to consider the ABC, CBS, and NBC networks before picking on little educational FM radio stations that can scarcely afford the postage to answer our letters, let alone hire lawyers."

As Tracy Weston, Johnson's legal aide, pointed out, the FCC punishment is light—the FCC can take away broadcast licenses for infractions of its rules and regulations—but, as Mason Shaw, WUHY station manager commented, "If it isn't challenged, it can have ramifications for other kinds of broadcasts at other times."

The decision came down on April 3rd, and Shaw admitted that the station was "caught in the middle right now. There are all kinds of alternatives for reaction, and we have to think it over a long time."

The station, he said, "would have responded to any listener complaints or inquiries about this. But there were none."

Labor and Santana Do It in Atlanta

ATLANTA—Santana found itself in the middle of a mess of trouble when it arrived to play a gig at Atlanta's Municipal Auditorium. The city was in the middle of a bitter strike by its employees, including the predominantly black garbage workers, and a picket line had been thrown up around the auditorium. Mayor Sam Massell, who had been sup-

ported by blacks during his election campaign, had been unexpectedly intransigent on the issue, and there was talk of calling out the National Guard.

Sentiment was strong for the musicians to refuse to play as long as the picket line was present at the auditorium, but nobody really wanted the concert cancelled, including Aftermath Productions of New York. The Insect Trust was booked on the same bill, and they said early in the day that they would not cross the picket line. The Allman Brothers, themselves sensitive to the wishes and needs of the community they identify with, were also reluctant to play, but their management (a different story entirely) didn't seem to give a shit. Santana stated that they would not cross the picket line but, wanting desperately to play for Atlanta, they arranged a meeting with representatives of the striking workers. The result: In return for a financial contribution and a three-minute speaker, the strikers would remove their picket line so that the concert could take place.

Atlanta's *ROLLING STONE* correspondent Miller Francis reports on what happened next:

Everything was delivered, and the concert went as scheduled—only more so. A special "Festival Group" sound system that had been promised "especially for this performance" turned out to be an inefficient and unreliable one in which mikes and amps kept going off and on to the dismay of the performers and audience. The Insect Trust, an excellent, unique group at the time of last summer's Memphis Blues Festival, has either lost whatever it was they had or their music was murdered by the sound system. Vibes were great, however, and when a frisbee turned up in the audience, a mass hip athletic contest was instantly fashioned to fit the huge, balconied auditorium. M.C. Ed Shane of radio station WPLO-FM (which likes to refer to itself as "Radio Free Atlanta," an "alternative radio station") labelled it "The Atlanta International Frisbee-Throwing Contest." Cops confiscated the frisbee (in addition to arresting several longhairs for such offenses as "blocking the aisles," etc.), but later it miraculously turned up again and was the focal point of the intermission. Raising spirits to an even higher level was a brilliant, if brief taste of the Allman Brothers—Atlanta feels about this group in the same way that San Francisco feels about the Airplane or the Dead and this was their first appearance in Atlanta since the success of their tour and their album.

While technicians were preparing for Santana, trying to avoid the sound problems that had plagued the Allman Brothers and Insect Trust, Municipal Auditorium manager Roy Elrod and other city management people were backstage trying to prevent Santana from presenting speaker John Releford, a representative from the strikers, from going on stage. But Santana said his group would refuse to play unless the earlier

agreement were honored.

Releford came out on stage accompanied by four bodyguards with upraised fists. He was hip, balancing the kids' enthusiasm for Santana with the plight of the workers on strike. "Some of you folks crossed our picket lines the last time around," he said, and made a plea for support in leafletting, picketing and especially in refusing to scab. A Santana representative handed Evans a wad of green bills. Audience reception was generally sympathetic, but there were a few isolated pockets of outright racist hostility in the form of mild booing. Releford addressed himself directly to the situation: "Now, you folks can agitate all you want, but I'm gonna stay up here for just a while longer and rap some more!"

The group began a beautiful set in spite of the worst troubles of the evening as far as the sound system was concerned. But after only about a half hour of music, all their mikes suddenly cut off at once, and the musicians literally threw up their hands. Elrod, royally pissed off at the union speaker, had cut off the electricity. Shane, visibly freaked out by all the tension backstage, came out to cool everybody off and to explain about Atlanta's 11:30 curfew and to rap about how the city makes the rules: "What happens now," he said, "is up to Santana!" The Santana drummers immediately began to play furiously without mikes and amplification, and the audience literally went wild, bursting into shouts and applause and streaming past the befuddled cops to rush the stage. Someday there is going to be a riot in Atlanta's Municipal Auditorium, but evidently the city personnel wanted to avoid the prospect of city cops versus a combined force of freaks and strikers and musicians. Various people at various times were hassling backstage over the power switch, and somewhere during the furious drumming, the electricity came back on, and Santana played one more ferocious, driving number.

When it was over, Shane came back to the mike to cool things off and smooth things over, but Santana organist Greg Rolie grabbed the mike and shouted to the audience, "We're sorry about all the trouble—next time we play for you we're gonna play for two hours! And we won't care what the rules say!"

Sunday the freak rock audience gathered again at the Atlanta Sports Arena, privately owned and operated, where they were told by promoter Murray Silver that Spirit, another Atlanta favorite, had cancelled at the last minute. Replacing Spirit were several local bands, including one that rock music followers both inside and outside Atlanta are saying may be one of the heaviest bands in the country—the Hampton Grease Band. Once again, a representative of the strikers spoke, and this time the stakes were noticeably higher: Mayor Massell had officially fired all the striking workers and pledged to fill their positions the next week, even if the National Guard had to be brought in to carry it out. He went so far as to reduce sentences of city prisoners in return for their serving as scab garbage collectors, accompanied by city cops riding shotgun. The feeling of tension that accompanies a rapidly escalating confrontation of powers was in the air.