



## Checks and Royalties: The Unsung Black Roots of American Music

This episode explores the historical erasure and appropriation of Black musicians and songwriters. Mark Anthony Neal, Chair of the African & African American Studies Department at Duke University, explains how Black artists were often exploited, denied proper credit, and overshadowed by white artists who covered their songs. It also traces the origins of American music back to the spirituals created by enslaved Africans, the evolution of rhythms in New Orleans, and the influence of genres like jazz, blues, and rock 'n' roll. Despite progress made by labels like Motown, contemporary artists like Kimberly Nichole question whether the industry truly embraces and celebrates Black musicians or simply

perpetuates a cycle of erasure and appropriation. Reported by Kojin Tashiro.

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Kirkland:

I am Pamela Kirkland, a reporter and producer. The conversation around reparations can seem both overwhelming and contradictory. On one hand, it's hard to imagine how our country could ever fully atone for the centuries of injustice and atrocities committed against Black and brown citizens. On the other hand, there's the belief that reparations are not only achievable, but essential to healing and moving forward. What we know is that reparations are owed to the descendants of the enslaved, and frankly, the bill is past due.

Kojin Tashiro:

Sister Rosetta Tharpe. Big Mama Thornton. Otis Blackwell These are just a few of the many Black musicians and songwriters whose stories were overshadowed by the greed, racism and politics that shaped the music we listen to today. The music we adored as children, that formed us as young adults and the songs we still sing today were heavily influenced by the efforts of these historical figures. Yet the names of these musical icons, responsible for the roots of jazz, hip hop and rock and roll, remain largely unknown.

Some may have never heard of these artists, others might have heard their music but never fully appreciated the price they paid. Exploitation and denied credit were all too common when they were making hits. The conditions Black artists faced may sound like something out of an old history book, or a dusty article from Rolling Stone. Unfortunately, this is not a lesson from the past, but a system that persists today.

We've all heard of Elvis Presley. His hit single "Hound Dog," amongst others, have been played on jukeboxes, radios and live stages all around the world for

decades. The energetic dancing. The bold lyrics. The emotion-evoking ballads combined with the effortlessly cool outfits fill happy memories across generations. In fact, Elvis was just introduced to a whole new generation in a 2022 Oscar-nominated biopic about his life.

However, what many are still unaware of is that the chart-topping song “Hound Dog” was originally written and sung by an artist named Willie Mae “Big Mama” Thornton. The original she recorded in 1952 climbed the Billboard charts and sold 500,000 copies after its release by Peacock Records.

[Dr. Mark Anthony Neal](#) studies the historical erasure of Black musicians’ cultural contributions. Neal is Chair of the African & African American Studies Department at Duke University, and says this pattern, especially in rock n’ roll music, wasn’t uncommon.

Neal: I would guess,, and I’ve heard this reflected in many different ways, that Elvis Presley was someone who loved rhythm and blues music, who loved blues music, right, that when someone presented with him to sing Hound Dog, it was a song that he was familiar with because he knew Big Mama Thornton’s music, right? He appreciated it and he really has no control over the fact that when he records Hound Dog and then becomes his major pop star, that he does so in the context it erases Big Mama Thornton. So much so that in 2023 we can still talk about Hound Dog and Big Mama Thornton being the first person to sing it, and a fair amount of people will have never heard, ever heard her name uttered....

Tashiro: I remember sitting in the theater watching “Top Gun: Maverick” when it was first released, seeing everyone react and sing along to the scene where Bradley Bradshaw, played by Miles Teller, performs “Great Balls of Fire” by Jerry Lee Lewis on the piano as the rest of the bar breaks out singing.

It’s worth noting that this song, like many others, was actually written by Otis Blackwell.

Otis Blackwell’s songwriting credits include iconic hits like “Don’t Be Cruel,” famously sung by Elvis Presley, and “Fever,” by Peggy Lee. His musical genius even touched songs like “Daddy Rollin’ Stone,” later recorded by The Who. These timeless pieces of music that have left their mark on American culture can be found everywhere. But the names of the Black Americans responsible have faded and been lost in the bright lights of the white stars who popularized them.

While some writers, like Blackwell, received 25 dollars a week to write songs and signed songwriting deals to split royalties with Elvis, others didn’t fare as well. Big Mama Thornton only received a one-time payment of 500 dollars total for her original recording of “Hound Dog.” She never saw another penny from it.

Besides not being paid fairly by record labels, the original artists’ lost much more since their renditions lacked the intended delivery, cultural context, and political

undertones that were mostly stripped once the songs were recorded for primarily white audiences.

Neal: You take someone like Pat Boone, who transitions from this kind of crooner and singer. And the next thing you know, he has television shows and all this kind of stuff. And, you know, Pat Boone's career in the 1950s is almost singularly indebted to him covering Little Richard songs.

To hear Little Richards sing-Tutti Frutti, which is like, if Tutti Frutti was a nice spicy falafel sandwich, Pat Boone singing Tutti Frutti was a mayonnaise sandwich on white bread, right? There's no other way to describe the transition here.

Neal: And again, it's extraction, right? We're going to extract Little Richard's creativity in his musical genius, but separate the most important aspects of it and just sell the husk of it, right? The framing of it to white audiences to consume.

Tashiro: Once re-recorded and released by a white artist, songs were packaged into bite-size elements, and beyond the lyrics being almost the same, their lack of Black cultural essence made them mostly unrecognizable.

Neal: Roll with me Henry. Etta James did this song roll me at Henry and roll at the time hits the term. Rock and roll was a term that meant sex, right? So roll with me, Henry is like, you know, have sex with me, Henry. When the white woman who covers the song, it becomes dance with me, Henry. Right. Totally divorced of those kind of energies, It always seemed systematically that as a popular genre of Black music emerged, that they would try to find white artists that would show up, that could translate it to white audiences.

Tashiro: In the famous Bob Costas interview with Ray Charles in 1999, Ray Charles in a very blunt manner shared his thoughts on this music phenomenon.

Bob Costas: Let me ask you differently, how was Elvis?

Ray Charles: To say that Elvis was so great and so outstanding, like they say, he's the King—I got in trouble cause one guys asked me these questions and I said, “The King of What?” And he got mad at me. I don't think of Elvis like that because I know too many artists that are far greater than Elvis. And Black people been going out and shakin' their behinds for centuries! What the hell is unusual about them shaking their hips and stuff. And that's all Elvis was doing, was copying that.

Tashiro: While talk of cultural appropriation in music tends to focus on popular artists like Elvis and Jerry Lee Lewis, there are many other white artists who have also benefited from the labels' “outfitting” Black music, leading to what Neal calls a form of “erasure”.

Neal: You can take someone like Michael Bolton, who some folks might think has a kind of soulful voice whose crossover record is a cover of Percy Sledge's “When a man

loves a woman.” And, and it also enacts almost a kind of brilliant form of erasure because you know, the Percy Sledge Long was fairly well known, right?

But he gets packaged and introduced to a younger audience that's not familiar with Stacks Records or Atlantic Records, right? And then, you know, Michael Bolton becomes kind of like the new soul king within this, this context, right? So much so that when he wins the Grammy Award for the song, he never even mentions Percy Sledge's name.

Tashiro: In many instances, music originated or written by Black artists gained popularity by being released by non-Black artists. That, combined with record labels changing the context to cater to white audiences, resulted in Black creators never receiving proper acknowledgement.

Much of the history of American music and its origins lie in the music created by formerly enslaved Africans after their arrival in North America between 1619 and 1860. Their work songs, called “[Negro Spirituals](#)”, were not just to pass the time under grueling labor conditions, but were also used to communicate and build community among workers in the field.

Neal: When you think about the foundations of Black music in the U.S., you obviously have to go back to the period of enslavement. One of the best books on the subject, Amiri Baraka published in 1963 a book called [Blues People](#). And on page four of the book, he cites a West African proverb, this idea that the spirits do not descend without music.

And it's important to remember that because one of the ways that formerly enslaved Africans survived enslavement was the use of song. There were many difficulties in terms of communication, so they would use rhythm as a way of communication. They would use singing in unison that was both about getting the work done in a timely and efficient manner, but was also about building community within the context of that. Hoping to think about things beyond the work field.

While the songs weren't created to be performed, plantation owners would make the enslaved play and sing for their own entertainment.

Neal: While there wasn't necessarily an entertainment industry that these songs fed into, for some plantation owners, there was entertainment value, right? So it wasn't unusual for slaves to come out and perform songs for the privilege of slave owners and their families and their friends and what have you, but for the most part that music was something to be utilized by the Black community as opposed to something that's more performative.

Many of those spirituals were informed by some of the work songs that existed on the plantation, before Emancipation, and then of course, continue to be important to Black communities post Emancipation.

Tashiro: These songs serve as essential building blocks for what we know today as American music. Jazz, Blues, Rock N' Roll, R&B, Hip Hop...the list goes on with the musical evolutions that came from simple, vocal melodies and body percussion. The evolution of these rhythms has deeply shaped the music created by contemporary artists.

Specifically, the rhythmic arrangements found in many of these styles of music has its origins in [New Orleans, Louisiana](#).

Neal: It's not surprising then that when we think about the roots of jazz music, right, it's. First American form of roots music that emerged out of New Orleans because that's where the rhythm had been largely maintained.

Tashiro: In 1817, 64 Parishes in the city of New Orleans created a city ordinance which restricted formerly enslaved people to a single gathering place<sup>1</sup>.

Neal: There were many places where there was a large population of enslaved Blacks where drum playing was not allowed. One of the few places in the country where drum drumming was allowed by Black folks was a space called Congo Square, in New Orleans, and it was not unusual on Sundays for drummers to come out and perform it.

Tashiro: The square was also a marketplace to sell and buy handmade goods. Women would walk around selling baskets of freshly made foods like "calas"-- which were deep fried rice cakes covered in powdered sugar. The precursor to New Orleans' world famous Beignets.

Black Americans would gather on Sundays in the square to sing, dance and worship, laying the foundation which became the base for jazz and gospel music. This limited freedom created an opportunity for spirituals and works songs to evolve despite a lack of formal instruments. Black folks instead used their bodies as instruments.

Neal: So whether it's hand claps, the slapping of the thighs, the stomping of the feet, a lot of those very early spirituals, they're obviously not playing drum sets. There are no pianos, there's no Hammond B3 yet or anything like that stuff that we think as a part of gospel music. When we hear it now, they would use their bodies right and tambourines, these different kinds of instruments that were an extension of Black sensibilitie and rhythmic sensibilities.

Tashiro: Using body parts as instruments became very popular in music, and the sounds even extended into early recordings of jazz-- utilizing elements from the sounds heard on Congo Square. In fact, the term Jazz, is theorized to have come from the African-American slang term, '[jasm](#)', which roughly means 'vim' or 'energy'.

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<sup>1</sup> <https://neworleanshistorical.org/items/show/745>

Even as jazz music also fell into the funnels of appropriation for white audiences, the innovation never ended. As one genre became dominated by white musicians, another emerged from its roots.

Neal: To white audiences, there was a creative and innovative energy that moved the culture someplace else. So when that early jazz music then becomes swing, which is dominated by these white Dixieland bands, Black music seems to move onto something else, right? At least in the genre of jazz, that's when we start to get the big band music of the Duke Ellingtons and the Fletcher Hendersons and the Count Basies and those kind of folks that dominate Black music in the 1930s.

Tashiro: The foundation of many popular songs today lies in the music created by Black musicians during that time. The Blues, with its origins in basic jazz structure, became the precursor to rock and roll. Icons like the Rolling Stones and The Beatles owe their music to the creation of Blues.

Neal: All these songs in the pop idiom that have come out of the structure of the 12 bar blues. This is part of the gift of Black America to the United States, if not the world. And I think it's always important to remember this shift between entertainment and commodities, cause entertainment is one part of this. But again, to think about Black musical culture as strictly as a commodity means that it can be bartered and sold and trafficked in all kinds of ways. And it doesn't necessarily need a Black body or Black voice or Black face to deliver that commodity.

Tashiro: As a result, the music created by Black performers began to be accepted as a legitimate art form, but it came at a price. As the music and performance style of formerly enslaved Black musicians became popular, so did the act of appropriating and quite frankly, the "theft" of their art.

From the beginning of slavery in 1619, to the roaring 1950s and 60s that birthed Rock and Roll and the Blues, music in the U.S. has always been—and still is—deeply rooted in the spirituals sung by the formerly enslaved in plantation fields. The drums of Congo Square evolved into the melodies of Jazz, which became the foundation of gospel music, and slowly evolved into R&B at the hands of artists like Ray Charles.

After more than four centuries of exploitation, Black music began to reclaim its rightful place in American history. Record labels like [Motown](#), founded by Berry Gordy Jr. in 1960, and renowned as one of the most successful Black-owned businesses in entertainment, provided a home for Black artists to record and distribute their music on a national scale. It seemed that, at last, the music industry had a space that embraced and celebrated Black musicians and their creative contributions.....or did it?

Kimberly Nichole: Back in the day when there were Black musicians that really didn't know the game and didn't know they were signing, they just wanted to perform, they just wanted records on radio and stuff.

Tashiro: Kimberly Nichole is a singer-songwriter from Seattle, Washington, who gained fame as a finalist on season eight of [NBC's The Voice](#). She has shared the stage with artists like Slash, Alice Smith, Janelle Monae and Aloe Blacc.

The legacy of the commodification of Black music and the stories of beloved Black artists struggling to receive the financial benefits they deserved, continues to shape the experiences of contemporary artists like Kimberly Nichole.

Nichole: I'm always wondering, Little Richard died a few years ago when we were in lockdown, and I'm wondering how much money Little Richard died with. I wonder was he broke?

Tashiro: Commenting on Kurt Cobain, the iconic frontman of 90's grunge band Nirvana, his widow and renowned songwriter Courtney Love spoke candidly about her perspective on the record industry and the distribution of label profits on an article in Salon magazine which she penned herself.

Nearly 30 years later, Love's comments still resonate with Neal.

Dr: Neal: She described the recording industry as a form of sharecropping and I never forgot that interview, because here you have this woman, who has a successful career in her own right, who is sitting on a publishing empire that's worth upward of \$200 million, and describes the recording industry the same way Black plantation workers in the post Civil War era would describe their relationship to the land in which they lived. And that relationship very specifically was, many folks who were enslaved found themselves now free and being forced to go work on the same plantations that they were enslaved, but it was a different economic reality. So, they had housing, they got provided for food, they got provided for tools to work the land. But they had to pay rent. They had to pay for their food, right? They had to pay for their tools, right? They had to pay for the energy they used to heat their house. All those kinds of things.

And in some ways it was almost worse than enslavement because they would find themselves at the end of the year owing the plantation owner money for the money that was put out for them.

Tashiro: This "sharecropping" structure, combined with unfair contracts, became a standard for large labels to exploit musicians and artists. One of the key components of this system is what is commonly called an "Advance."

Record labels will offer advances, or "loans", based on their prediction of the artist's overall sales. The important part is that the label advance is taken, or "lent", against an artist's future royalties. This means the artist will not receive any additional income from their royalties until the record label has been fully paid back for the advance. A process known as recoupment.

While the initial number might seem like a winning lottery ticket, the reality is that most of the money generated ends up in the pockets of the record label.

Neal: When you think about the record industry that will give artists advances, but then they have to pay for their producers, they have to pay for studio time, they have to pay for promotion, they have these great albums and sell all these records.

And after three albums, they find out that they owe the record company money right, because they signed unfair deals, right?, And so that's a ground zero for how do we create a more equitable system for artists to be able to actually benefit right from what they create. This is also in the context of many artists not owning the publishing rights to their songs.

Tashiro: Many modern artists realize that while these initial checks seem enticing, they are also deceptive tactics to bind them into contracts that prioritize the label's interests over their own.

Nichole: They're normalizing something that kind of is very predatorial type behavior. Snake, it's very snake-like, but that's. What the industry has always been in music, you know, snaking people outta money. I'll give you a Cadillac, for all the records you sell. And then when you want some money, I'll say, well, I bought you that Cadillac. They just move the goalpost. They're just switching things around.

Tashiro: Kimberly Nichole says that she has seen this tactic play out many times.

Nichole: The 360 deal is just a deal now. They don't even call it a 360 deal, because the people that run the record labels wanna make money. They wanna be wealthy, they wanna sustain a certain living. And they know they have to, if they're in the industry, they know how to sustain a living, become millionaires and then pass it down to their children all while the artists that they sign are broke. If you study music from beginning of the first live record created to now, it's just shifting. It's the same thing, but it's just a different era.

Tashiro: The contract Kimberly mentions, commonly known as a "360" deal, is the standard contract offered to emerging artists by the record labels. By definition, it is an agreement between an artist and a record label that covers not only the traditional rights involved with sound recordings, but [also covers publishing, merchandise, touring](#), and other income sources artists generate within the entertainment industry.

Often in these contracts, labels include retaining full copyrights to the music created under the label. In the industry, this is referred to as owning your "[Masters](#)" or master tapes.

Nichole: I know people that are signed that literally would be like, Kimberly, I'm broke. I have no money. Artists are really, we're pulling, and really just trying to make a way for ourselves and not be screwed over, but labels these conglomerates that



are very much have monopolized the game and are really the ones banking big on these artists. You think about Little Richard and Big Mama Thorton, how they talk about, they had these people doing their songs, but they never made any money from it because of the record label and these contracts.

Tashiro: Under these kinds of contract agreements, any original masters you create while under that label are owned by them permanently. This is a practice that hasn't changed since [the royalty disputes between Little Richard and his label at the time. Special Records](#). In exchange for your masters, the label gives you a cash advance. Once your music is released, you begin the process of paying that advance back. You do that with the earnings from your releases but here's the kicker: you're only entitled to a percentage of those earnings, at a royalty rate set by the label.

On top of all of this, the decline in physical record purchases has transformed the music industry's revenue landscape.

Nichole: People are not buying records. I remember when I was a little girl, when Britney Spears went diamond, that was huge. That's a lot of records. Nobody's buying records like that. People are doing streaming.

Streaming doesn't bring a lot of money in like that. Record executives know that. So where do we get the money from these artists? Touring. As we know historically, artists are always on the road cuz that's when they make all the money. So now we don't even, we don't even have like ownership on our touring money because the labels are now dipping into that and who knows what that looks like with these deals, but, it just shifts and shapes to what the times are.

Tashiro: Once these artists, often young and vulnerable to these deceptive contracts, sign these types of contracts, it's nearly impossible to get out of them. Although many artists of different races have experienced or are still bound in these agreements, a fairly large portion are Black musicians.

Nichole: They were signing their rights away and when it's a piece of paper and you're signing, what, what can you do?

Tashiro: Tonya Butler, a former entertainment attorney and record label executive, [said in a 2020 Vice article](#) that while these unfavorable deals are not exclusive to Black artists, it is far more common for them to find themselves locked into bad agreements compared to their white counterparts. Butler says it's a result of inequities in education and economic disparities, which make Black and brown artists more susceptible to being taken advantage of in contract negotiations.

Hip Hop artists have been particularly affected by unfair contracts. [Chuck D and his legal team had a serious dispute with Universal Records for unpaid royalties](#), as well as [Mase has made claims of inadequate compensation for work with Bad Boy Records](#). Such contract disputes have become common in the music industry in recent years.

Neal: When I think about the generation of hip hop artists coming through in the 1980s, they were so just excited on getting signed and what could happen from them being signed. And it wasn't as if there were entertainment lawyers in the room with them. Very often it might have been a manager or a promoter who was in cahoots with the record company.

Tashiro: The conversation about Reparations in the music industry is nothing new, and many artists, including artists who are not Black, have been advocates of the movement. Well known hip hop artists like J Cole and Lil Wayne have mentioned the subject in their songs, while white artists like Jeff Tweedy, the frontman for the band Wilco, has said [“royalty theft”](#) remains unaddressed in conversations around reparations.

Many Black artists and writers are still fighting for their right to compensation or even simple credits for the work they did decades ago. Advocacy organizations like the [Black Music Action Coalition or BMAC](#), are working to address systemic racism within the music business and advocate on behalf of Black artists and creators.

While the most common request by Black artists has been financial compensation for unpaid royalties and intellectual property, there's more to addressing the generational wrongs in the music industry.

Health insurance is a major issue of contention for emerging musicians. Unlike traditional employees with benefits, musicians are most often signed as “contractors.” They don't qualify for benefits like health insurance.

Neal: I think one of the places where we could start talking about reparations in the music industry is to consider artists on a label employees the way that we consider every other employee and have them vested in both healthcare insurance and also retirement. Because everybody now knows the story of the great rapper when he was 27 and 28 years old, who dies at 52, right? Because he had neither healthcare insurance, or life insurance, to be able to take care of himself when he got sick, right? That's almost like at this point a standard trope and a classic hip hop artist.

Tashiro: It's not just rappers. Black musicians from across the spectrum have reportedly died destitute, in debt, or entangled in legal battles with record labels for compensation. This group includes luminaries like Michael Jackson, Marvin Gaye, Sammy Davis Jr., and Whitney Houston.

Kimberly believes the music industry's whole structure needs to be rebuilt.

Nichole: Unless the system is dismantled, what could we possibly do that benefits the next generation of Black musicians in a reparations way? I feel like the system has to be dismantled. I feel like the gatekeepers have to expand their mind and their thoughts on what music can look like and what it can be. I think we need to start

looking at life in society, in different sectors of industry, outside of the lens of whiteness.

Tashiro: While financial incentives and easier access to healthcare are vital in the conversation around reparations, the future also lies in the education of the next generation to prevent the cycle from continuing. The problems that are solidly rooted in centuries-old practices cannot be undone in one day.

Nichole: When we give the younger generation the tools they need to be better people and to make this world better, which means they need to be educated and knowledgeable about the past, even the past looks like it's, it's muddy. It looks like it's a mess. That's fine. They need to know that so they know what not to do. But when we equip our children with tools of knowledge and understanding, I think that prepares the future for us in a better way.

Tashiro: Dr. Neal agrees.

Neal: If the recording industry really wants to be equitable, they have to have conversations with young folks about, you know, even if we're not gonna provide you with healthcare, we will at least introduce you to the platform where you can pay for your own healthcare. And this will be important. We'll figure out how to do 401ks for you. For you to understand the value of setting that up so that if this doesn't go the way that you hope.

So to have those kinds of real conversations in the industry about how people build wealth, because that's what it is, right? How do you talk to young folks in the record industry about building wealth?

Tashiro: The U.S. music industry remains a highly profitable business, [reaching record high revenue of 15.9 billion in 2022](#). And new artists are still being signed and developed by labels every day.

American music is Black music, and Black artists are demanding more than just words and songs. They are demanding their long-overdue recognition and restitution. To pay the debt and give credit where credit is due.

Kirkland: Special thanks to Dr. Mark Anthony Neal and Kimberly Nichole.

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