

Hip-Hop Mix Tapes Cheap Popular and Illegal

Written by NiKKi ID1538

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Hip-hop promoter Justo Faison died in a car crash late on the night of May 13th in Virginia. And last week, on June 8, the East Village record and video shop Mondo Kim's was raided by the New York Police Department. What do these two stories have in common? Here's a hint: it's cheap, popular and illegal.

Faison was the industry's most energetic promoter of hip-hop and rap mix tapes, the unlicensed compilations (almost always on CD, despite the name) of unreleased new songs, current hits, never-to-be-released freestyles and unofficial remixes. To keep (or get) hard-core listeners excited, rap artists are expected to maintain a mix tape presence by supplying DJ's with tracks and also by collaborating with them to release "hosted by" mix tapes. Thanks to Faison, the mix tape world even had its own annual ceremony: he created and produced the yearly Mixtape Awards, a fittingly raucous celebration; this year's attendees included Bad Boy Records CEO Sean Combs, who won a lifetime achievement award, and hip-hop rap artist the Game.

In the days after Faison's death, rappers and DJ's paid their respects, tribute rhymes started circulating online and a fund was started to help pay for his burial and to aid his family. Contributions have come in from many leading hip-hop record labels including Atlantic, TVE, Tommy Boy and Interscope.

While artists and record labels were celebrating Faison's life and work, the Recording Industry Association of America was finding another way to pay tribute to the popularity of mix tapes. On May 12, the day before Faison died, it announced a crackdown on stores that sold "pirated CD's," a term that refers to "mixed tapes and compilation CD's featuring one or more artists," among other products. (The association's taxonomy of piracy defines "counterfeit recordings" as illegal knockoffs of existing commercial CD's, and "bootleg recordings" as illegal recordings of live performances or broadcasts.)

In last week's raid officers confiscated hundreds of CD's, seemingly concentrating on the shop's well-stocked section of hip-hop mixtapes. Five employees were arrested and spent the night in jail. All five were charged with failure to disclose origin of a recording in the second degree and trademark counterfeiting in the third degree.

After the raid, Brad Buckles, the recording association's executive vice president for anti-piracy, released a statement saying that the Police Department's "steadfast commitment to the fight

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against piracy has stamped out yet another significant illegal operation." It continued, "Retailers who are making money on the backs of musicians and record companies by selling pirated CD's should know that this is absolutely no way to conduct a business." Reached by telephone yesterday, Mr. Buckles confirmed that an association representative was present during the raid.

Note that phrase "musicians and record companies." In its war against illegal music distribution, the association has often treated these two groups as one and the same, arguing that piracy-happy fans are hurting the artists they love. But when it comes to hip-hop mixtapes, it is in a trickier position: the artists themselves often help produce the same mixtapes that the association is trying to squelch, and shrewd record labels long ago figured out that mixtapes can help drive sales of conventional CD's.

So while record labels donate money to honor a man who helped promote mix tapes, the trade group representing the labels cracks down on those who sell them. And who goes to jail? Well, suffice it to say that the police haven't arrested any of the major-label record executives who profit from the hype generated by mix tapes.

The raid on Mondo Kim's (the East Village location of the Kim's Video chain) was by no means the first of its kind. The recording association has been campaigning against mix tapes for a decade; the organization's 1995 year-end report warned of "the growing popularity of illicit DJ mixes in CD format." The Kim's 5 (has someone printed T-shirts yet?) are probably lucky that they work in a record store frequented by music-industry types (and, yes, the occasional newspaper reporter). When some shop in the Bronx is raided, those hapless clerks can expect far less press coverage.

Oddly enough, two people charged in the Kim's case are fairly well-known musicians. One employee arrested was Chuck Bettis, a familiar figure in the experimental-music scene and a veteran of the cult postpunk bands the Meta-Matics and All Scars. Another was Craig Willingham, known as I-Sound, whose discography includes "Music Is a Hungry Ghost" (City Slang), a collaboration with the German electronic group To Rococo Rot.

The Kim's case highlights the strange position of hip-hop mix tapes, which have been making a bumpy journey toward the mainstream. There was a time when mix tape fans had little choice but to hit the streets in search of fly-by-night salesmen and out-of-the-way stalls. But when an artist as popular as 50 Cent is releasing new material directly (and sometimes exclusively) to

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mix tapes, and when hip-hop crews like the Diplomats are supplementing their underground mix tapes with official (that is, licensed and legal) mix tapes, then the boundary between street and store gets harder to maintain.

Nowadays, hip-hop fans across the country can buy mixtapes online, although perhaps it is only a matter of time before those Web sites, too, are raided. Meanwhile, some record shops are trying to find creative ways to keep the police and the recording association at bay. After the Kim's raid, perhaps more retailers will follow the lead of one hip-hop shop (which shall remain nameless), where mix tapes are on display but not, strictly speaking, on sale. To get one, you have to buy a CD holder, priced at \$7.99 but worth a small fraction of that; with every purchase, you get a "free" mix tape.