

Rock 'n' Roll

First appearance in trade magazines: February 22, 1975

Label af1

Apple

SK-3419

Apple label with "MFD. BY APPLE" on the full side.



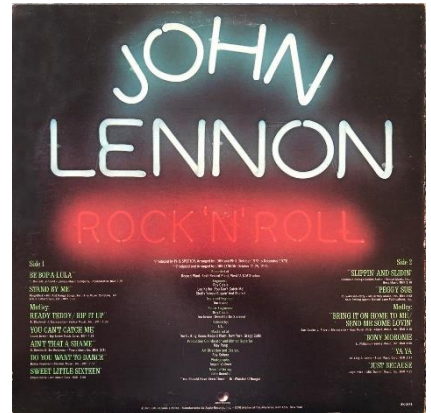
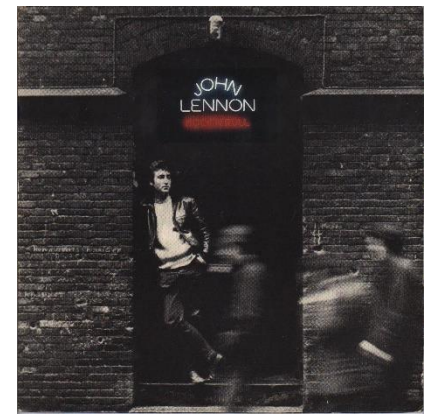
Factory: Los Angeles



Factory: Jacksonville



Factory: Winchester, Jacksonville



ROCK 'N' ROLL — John Lennon — Apple SK-3419 — Producers: Phil Spector, John Lennon

One of the most talked about groups of sessions ever recorded at last come to light in John Lennon's New LP. We call it new because it's a collection of never before released oldie material produced in part by Phil Spector and Lennon. Among the selections which date from Oct., 1973 to Oct., '74 are "Be-Bop-A-Lula," "Slippin' And Slidin'," "Bony Morone," "Bring It On Home To Me/Send Me Some Lovin'" and "Sweet Little Sixteen." This is a collector's item as well as a sure chart topper.



ALBUMS

JOHN LENNON, "ROCK 'N' ROLL." '50s and '60s chestnuts revved up with '70s savvy! Fast paced pleasers saturate the Lennon/Spector produced set, which beats with fun from start to finish. The entire album's boss, with the niftiest nuggets being the Chuck Berry-authored "You Can't Catch Me," Lee Dorsey's "Ya Ya" hit and "Be-Bop-A-Lula." Apple SK-3419 [Capitol] (5.98).



Label 78

Capitol

SK-3419

Purple label with “MFD. BY CAPITOL” rim print

Released 1978-1981

Factories: Los Angeles; Jacksonville; Winchester

Capitol copies continue to use Apple-labeled covers.



Label w1

Quaye/Trident

SK-3419

All-white label with black print

Contains a 60-second radio spot promoting the album.



The Famous Background Behind the Album

When John Lennon wrote the final lyrics to “Come Together” in 1969, he included a tribute to Chuck Berry – a partial quotation of Berry’s song, “You Can’t Catch Me.” Berry’s 1955-56 song was about street racing. In it, he describes another car moving up alongside his on the New Jersey Turnpike, but of course, Berry outruns him. For Berry, a “flattop” was the driver of the car – with a crew cut. The line of Berry’s song through which Lennon paid tribute was, “Here come a flattop. He was movin’ up with me.” To Lennon, the flattop in Berry’s song was a car, which he morphed into a person nicknamed “old Flattop,” as he wrote, “Here come old Flattop. He come groovin’ up slowly.”



The lyrics to “You Can’t Catch Me” were owned at first by Snapper Music. Snapper had been founded by Alan Freed, who got the rights to that song in a deal with Leonard Chess. Shortly before Chess 1645 came out, Phil Kahl and Morris Levy bought Snapper Music from Freed. According to documents published in 1961, Freed’s share of Snapper Music was 20%. According to the December 28, 1968, issue of *Billboard*, the ownership of Snapper Music was divided from 1956 and 1968 between Levy’s company and the one owned by Jack Hooke – Alan Freed’s associate. But that month, Levy’s business – Big Seven Music – purchased complete control of the company (and with it, “You Can’t Catch Me”).

After “Come Together” was released, Big Seven Music indicated their desire to sue Lennon. He was deposed on December 24, 1970, and he acknowledged that he knew the song. He pointed out, however, that “Flattop” certainly wasn’t copyrightable, since a character with that name had appeared in the Dick Tracy strip, and he knew of two other songs that used the expression in their titles. The 1970 case dragged on for three years, and on October 12, 1973, John agreed to settle the case.

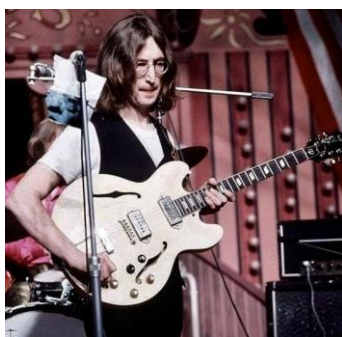
As part of the settlement, John agreed to include “You Can’t Catch Me” as one of three songs published by Big Seven on his rock-and-roll oldies album – the record that he and Phil Spector were working on in ’73. Spector vanished with the session tapes, and Lennon reportedly paid him \$90,000 in July 1974 to get them back. By then, he was already working on *Walls and Bridges*, the album that came out that September. Morris Levy understood their agreement to pertain to John Lennon’s “next album” – and not merely the oldies album, whenever it was released. Since Lennon released a new album without the three Big Seven songs on it, he called for a conference.

Q Do you acknowledge that at the time of writing the song COME TOGETHER you were familiar with the works of Chuck Berry and specifically the musical composition You Can't Catch Me as recorded by Chuck Berry on Exhibit Two and by the Rolling Stones on Exhibit Three?

A. Yes, ever since I was in my teens I was acquainted with the works of Chuck Berry whom I consider one of the original rock and roll poets. I heard his recording of You Can't Catch Me at this time and spent many hours in generally listening to his general catalog. However, I am not familiar with the recording of the Rolling Stones on Exhibit Three and do not recall having heard it.

On October 8, 1974, Levy met with Lennon at Club Cavallero on East 58th Street in New York City. The oral agreement that they made that evening supposedly allowed Levy’s record label, Adam VIII Ltd., to distribute John’s new rock-and-roll oldies album through mail-order outlets. Levy asserted that the Beatles’ contract with Capitol allowed them to make this arrangement, because the rights for “distribution by mail direct to consumers” were retained by Apple and not assigned to Capitol. Actually, the clause referred to distribution through the Capitol Record Club – which (at the time) was distributed by the Longines society, with most records pressed by Decca/MCA. However, even if Apple had been entitled to permit Morris Levy’s label to release the oldies album through mail-order, neither Lennon nor Levy discussed the matter with Capitol Records – which the Beatles’ contract necessitated. Levy later claimed that he had exclusive distribution rights for the album, but he amended that statement in court. Whatever the arrangement may have been, John agreed to provide Morris Levy with some songs to show Levy what kind of album he might be willing to work on for Levy. Lennon took this to be a tentative agreement and wanted to contact EMI about it; Levy took the agreement to be a contract.

John allowed Levy to listen to the existing recordings, and he worked on the rest of the *Rock ‘n’ Roll* album in September. On about November 15, 1974, Lennon gave Levy a rough tape of tracks – indicating the kind of material that he was working on. Although this was not a fully-produced album ready for release, Levy took it that way. A few days later, they got together to talk about getting permission from EMI, but no one from EMI returned calls from Lennon’s attorney through the end of 1974.



On December 31st, a Lennon attorney sent Levy a message indicating that they were ready to proceed with the next stage of the agreement from 1973. That is, John was ready to release an album containing three songs published by Big Seven Music. Levy responded on January 9, 1975, saying that the October ’73 agreement was superseded by an oral contract made on October 8, 1974, allowing Levy to market an album “throughout the world by use of television marketing.” That same day, Capitol Records met with Lennon’s legal representative, Harold Seider, with Capitol indicating they were not interested in allowing Levy’s company to distribute an album. In the days that followed, Capitol met with

John Lennon, and all parties agreed that Capitol was going to press, market, and distribute Lennon’s album. On January 30, Mr. Seider informed Morris Levy that Adam VIII would not be allowed to release the final album. Levy responded by getting the album ready for release. He appropriated a photograph of John Lennon taken during the filming of the Rolling Stones’ *Rock & Roll Circus* (12/11/68), and put that in place as the album’s front cover.



John Lennon Sings the Great Rock & Roll Hits Roots

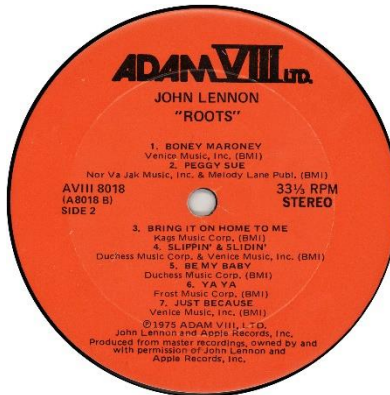
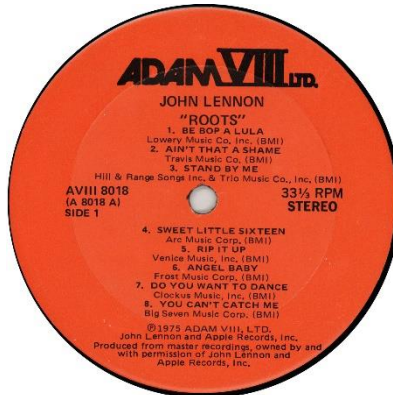
First appearance on the market: February 7, 1975
[Date appears in court documents]

Label o1

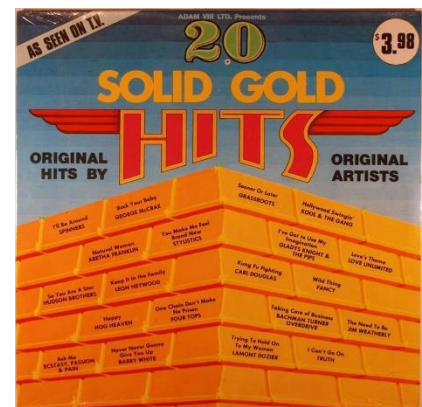
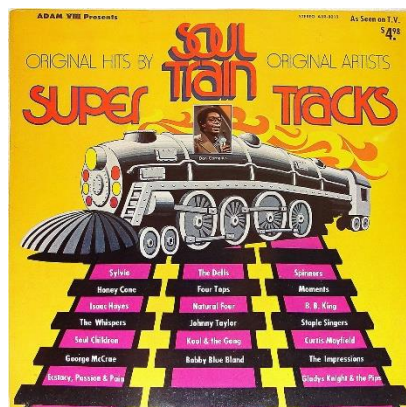
Adam VIII Ltd.

A-8018

Orange Label

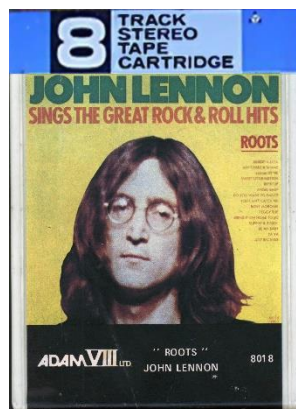


Factory: Bell Sound



The label refers to the album only as *Roots*. The front cover gives *Roots* as a subtitle to *John Lennon Sings the Great Rock & Roll Hits*. The back cover mentions only the primary title.

The two LPs pictured on the back cover of *Roots* are *Soul Train Super Tracks* (A8R-8012) and *20 Solid Gold Hits* (A-8016) – both from 1974.



New Lennon LP On Mkt: Capitol Raps Bogus Roots

HOLLYWOOD — John Lennon's "oldies" LP, entitled simply "Rock 'n' Roll," was rush-released last week on the Apple label (distributed by Capitol).

Announcement of the release was made by Don Zimmermann, senior vice president, marketing, Capitol Records, Inc., who stated that the album will be in full national distribution by Feb. 17.

Capitol's suggested list price for the LP is \$5.98 (\$6.98 for tape). The company is reportedly launching a massive sales-support campaign to coincide with release date, including a six-figure radio and TV buy.

John Lennon, EMI, Apple and Capitol have advised that the album "Roots," advertised on TV by Adam VIII, is "being manufactured from tapes which have not been completed nor approved by John Lennon, with regard to quality. The use of the recordings in this album and the use of Mr. Lennon's name and likeness have not been authorized. The only recordings approved by Mr. John Lennon for commercial release are contained in the album Rock 'n' Roll, on the Apple label, distributed by Capitol Records and EMI."

As soon as commercials for the *Roots* album appeared on television, Capitol Records joined with John Lennon in opposing its release. Capitol sent telegrams to the companies that made and distributed records and tapes for Adam VIII — telling them that the record was illegal and a lawsuit imminent. Lennon publicly announced that the Adam VIII record was "bogus" and urged consumers to buy the legal album on Apple.

Levy sued, but the court tossed his suit, indicating that he had no proof there was ever an agreement with Lennon. John Lennon counter-sued, claiming that releasing an unfinished record with a six-year-old photo of him and selling that record at cut-rate on television damaged his reputation. Despite the fact that Adam VIII sold only 1,270 LPs and 175 eight-track tapes before distribution stopped, the courts agreed with Mr. Lennon. The court awarded money to Lennon based on the budget price of *Rock 'n' Roll* (which was necessary to compete with *Roots*, on the reduced sales of the *Rock 'n' Roll* album, and on damage to Lennon's reputation. After the 1977 appeal by Levy, the combined result of Levy's claim against Lennon and Lennon's claim against Levy was that Morris Levy owed John Lennon \$78,227.96.

Capitol was able to get their album out by February 13th in some markets and by the 17th nationwide. Maybe we should'a been there, but I'm rather glad I wasn't there for all of it.

