

BLUES LETTER

THE MONTHLY MAGAZINE OF THE SAINT LOUIS BLUES SOCIETY

July 2013 Number 61



FRANKIE SHOT JOHNNY

The St. Louis Blues Society BluesLetter

July 2013
Number 61

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The Monthly Magazine of the St. Louis Blues Society

The St. Louis Blues Society is dedicated to preserving and perpetuating blues music in and from St. Louis, while fostering its growth and appreciation. The St. Louis Blues Society provides blues artists the opportunity for public performance and individual improvement in their field, all for the educational and artistic benefit of the general public.

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On the Cover.

"Frankie and Johnny" is one of thirteen panels illustrating Missouri life in the mural, *A Social History of the State of Missouri*, by Thomas Hart Benton, 1936, located in The House Lounge at the Missouri State Capital Building in Jefferson City, Mo.

Photo courtesy of Tim Bommel, Missouri House of Representatives Communication Office.



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Frankie and Johnny: *He done her wrong right here in St. Louis*

By Bruce Olson

One of the odd things about St. Louis is that of all the great songs that have originated in the River City none except the obvious “St. Louis Blues” come immediately to mind to outsiders as connected to our city. A few issues back we took a look at W.C. Handy’s 1914 classic and showed how it began on a cold night in 1893 down on the levee near the Eads Bridge and spread all through the 20th century.

But many other songs that have a privileged place in the history of American music—“Stagger Lee,” “The Entertainer,” “Baby Please Don’t Go,” “Rescue Me,” “Every Day I Have the Blues,” “Born Under a Bad Sign,” “The Cheater,” “Night Train,” “Gentle on My Mind,” “Blues is My Religion,” “I Can’t Stand the Rain,” and etc., etc.—do not have the immediate imprint of St. Louis on them even though they are directly linked.

Amazingly, too, the same can be said of “Frankie & Johnny,” perhaps the song most directly connected to our history, a song written, directed and starring St. Louis, Missouri. It’s the story of a woman who kills a man and gets away with it because he done her wrong.

I use the cinematic language on purpose, for the story of Frankie Baker and her lover is always cast in dramatic language, a story told against the gas lit background of Targee Street, where in 1899 Baker ran a boarding house that probably, like many of the houses in the neighborhood, included a brothel. Targee was just east of Union Station, just west of City Hall, near the Four Courts, just off Market Street. It was a street of brick tenements running north and south parallel and between 14th and 15th Streets, butted up on either end by Market and Clark.

The location of Frankie’s house today would be in the Scotttrade Center somewhere above the northern goal for a St. Louis Blues game or behind the stage at a blues concert (well, if they had one there.)

In the morning edition of Monday, Oct. 16, 1899, The St. Louis *Globe-Democrat* reported the initial incident thus:

NEGRO SHOT BY A WOMAN

Allen Britt, colored, was shot and badly wounded shortly after 2 o’clock yesterday morning by Frankie Baker, also

colored. The shooting occurred in Britt’s room at 212 Targee Street, and was the culmination of a quarrel.

The woman claimed that Britt had been paying attention to another woman. The bullet entered Britt’s abdomen, penetrating the intestines. The woman escaped after the shooting.”

The St. Louis *Post-Dispatch*, that afternoon, in its “Brief News About Town” column:

Seriously Wounded—Frankie Baker shot Allen Britt in the abdomen Sunday, seriously wounding him. Both are colored. The shooting occurred in Britt’s room at 212 Targee Street. The woman escaped.

The St. Louis *Republic* on Thursday, Oct. 19, 1899, gave this report in its column “Amid the Suffering: Father McFarland’s Daily Round of the Hospitals”

“Allen Britt Dead From a Knife Wound Inflicted by a Woman”

Allen Britt’s brief experience in the art of love cost him his life. He died at the City Hospital Wednesday night from knife wounds inflicted by Frankie Baker, an ebony-hued cakewalker.

Britt was also colored and he was seventeen years old.

He met Frankie at the Orange Blossom’s hall and was smitten with her.

Thereafter they were lovers. In the rear of 212 Targee Street lived Britt.

There his sweet heart wended her way a few nights ago and lectured Allen for his alleged duplicity.

Allen’s reply was not intended to cheer the dusky damsel and a glint of steel gleamed in the darkness. An instant later the boy fell to the floor mortally wounded. Frankie is locked up in Four Corners.

In the 1890s ragtime music was being played on the pianos of the bawdy houses and saloons of the area known as Chestnut Valley, an area that included Targee Street. Players like Tom Turpin, Louis Chauvin, Sam Patterson and Charlie Warfield, joined the next year by Scott Joplin, were inventing a style that would transform American music.

Allen Britt was among the best of the young players in town, a popular young man, described many years later by Frankie Baker as “an extremely dark, nice looking, spare built fellow.” Another woman who knew Allen when he was a student at nearby Sumner High School said he was “a fine-lookin’ dark skinned boy of small stature. All the girls were always looking for him.”

The original tune may have been around a while—some say it came from Scotland—but according to a black St. Louis police officer, Ira Cooper, who was in St. Louis in 1899, the lyrics were the work of the African American piano man Bill Dooley, who, Cooper said, wrote “Frankie and Allen” the night after the incident.

In the St. Louis *Palladium*, Cooper described the song as a “sorrowful dirge which was played thereafter in many Negro saloons and resorts.” He also said Dooley played the song on street corners and sold his composition for a dime each.

Allen became Albert and Albert went into Johnny, for copyright or for family reasons, as the song spread on the levee and along the rails. It was also spread by the 1904 World’s Fair, where 20 million people had a chance to buy sheet music sold from music publisher outlets on the grounds.

The first published version appeared the year of the fair, another was done in 1908, and song collector Alan Lomax cites a version in his *American Ballads and Folk Songs* that came “from Texas” in 1909. In the twenties, two records involving the white vaudevillian and soon-to-be radio star, Frank Crumit, were recorded.

Crumit, the son of a Jackson, Ohio banker, first recorded “Frankie and Johnnie” with the Paul Biese Trio in 1921. Later, in 1927, he sang it again with his own band. The latter recording was on the flip side of his trademark “Abdul Abulbul Amir,” and sold 2 million copies. He went on to host a long running quiz show on WABC in New York, “The Battle of the Sexes,” with his wife, until just before his death in 1943.

By then other recordings had appeared, including one by Fate Marable’s Society Syncopators, in 1924. Marable’s band got its start in 1918 on the riverboats and was one of the most popular groups to play on the St. Louis levee all the way into the 1940s.

The Mississippi Delta bluesman John Hurt recorded the song in 1928 and blues pioneer Charley Patton put out

a bizarre version in 1929, from the same session that netted his more famous “High Water Everywhere” and “Mean Black Moan.” Also in 1929, Jimmie Rodgers, the father of country music, recorded a decidedly bluesy version that includes very little of his trademark yodeling. The Rodgers version went a long way to embedding the song in the American songbook.

By then there was no trace of St. Louis in the song, it could have come from anywhere.

That all changed in 1930, when the future movie director, John Huston, enters the saga. Huston’s father, the actor Walter Huston, had been in St. Louis before, during and after the World’s Fair and his family lived for a brief time here afterward. By the late twenties, John Huston was a young man in New York where he fell in with the Greenwich Village crowd and, through his mother, landed a job on the New York *Graphic*, the paper where she worked as a reporter.

In 1929, Huston met a woman named Ruth Squires who worked in a marionette puppet theater. “Ruth’s marionette shows weren’t very good so I wrote one for her,” Huston said. It was called “Frankie and Johnny” and while it gained some success as a puppet show on the written page Huston’s play was decidedly for adults, set in “Gay Nineties St. Louis,” with Frankie a prostitute who is hung for shooting Johnny, the man who done her decidedly wrong. And even with the inaccurate ending (Frankie got off), Huston’s material was the closest thing to the real events to come out.

While writing the play, Huston contacted family friends in St. Louis who led him to the real Frankie who by then was living on the West Coast. He published a book that contained the script of the play and a history of the song, for the first time getting the story straight, as well as a collection of several versions of a song. He declared that the song had sprung from an 1899 shooting where a woman, Frankie Baker, killed a man named Allen Britt during a violent argument in downtown St. Louis. Huston passed his script around New York, to people like his friend, the future actor and TV star Sam Jaffe, and to a rather well-known composer, George Gershwin. The show people were impressed.

“*Frankie and Johnny* turned out to be quite a success,” Huston wrote in his autobiography. “Sam Jaffe improvised background music and [publisher Charles] Boni offered me an advance of \$500 to publish the play and turned out a beautiful little book, illustrated by Miguel Covarrubias. George Gershwin had the idea of making *Frankie and Johnny* into an opera and we talked about it, but before we could get around to it George died.”

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Covarrubias, a Mexican artist, was two years older than Huston. He was also a theatrical person who in 1925 had done the sets and costumes for *La Revue Negre*, the play that made St. Louis-born Josephine Baker a star in Paris. In 1926 he illustrated W.C. Handy's book *Blues: An Anthology*. By 1930, when *Frankie and Johnny* was published, he was doing caricatures for *Vanity Fair* and running with the "Smart Set." His *Frankie and Johnny* illustrations recreate the St. Louis sporting district in pen and ink, the busty bar girls, the sly men in their Stetson hats and bow ties, the burly bartenders passing over a sudsy glass of beer.

Unfortunately for Huston's play, however, it stepped rival playwright Jack Kirkland, a former newspaperman from St. Louis, who cornered the Frankie and Johnny market in New York. Kirkland had written and produced a play with the same title in Chicago in 1928 and was able to raise enough money to bring it to Broadway. His *Frankie and Johnnie*, loosely based on songs he had heard, was set in San Francisco amid the Gold Rush of 1849. Kirkland parlayed the publicity generated by a police raid on rehearsals (the play contained "offensive subject matter") and got it to Broadway. But, it was an "unbelievably cheap melodrama" and flopped.

Huston's oversized red volume, checking in at 159 pages, however, got a full-scale, glowing write-up in the *New York Times* book review section Nov. 30, 1930, and it was this book that launched the song with its proper setting—"the opulence of the mileau where it came into existence."

"There are uncounted multitudes in this country who can sing 'Frankie and Johnny,'" the *Times* said. "But it must be a surprise to many of them to know that this sombre saga, which has already won a prominent position in our folk literature, is only thirty-one years old." Huston correctly places the shooting at 212 Targee Street in the "colored section" of St. Louis on Oct. 15, 1899, with Frankie Baker's "big forty-four" shooting 17-year-old Allen Britt three times.

For those of us who have enjoyed the films "The Maltese Falcon," "The Treasure of the Sierra Madre," "The Asphalt Jungle" and "The African Queen," we may note that the \$500 advance was for Huston, "the most money I'd ever earned. I took a train to Saratoga with a friend who was running a horse there and while waiting for the race to start I got into a crap game. I began rolling naturals, I let it all ride, and ran my \$500 up to \$11,000! Something told me to forget about my friend's horse, and sure enough, he lost."

Soon thereafter, Huston, flush with cash, boarded a train for Los Angeles, forgetting about Frankie and Johnny as well.

Frankie Baker was described in Huston's book, thus:

She was a beautiful light brown girl, who liked to make money and spend it. She dressed very richly, sat for company in magenta lady's cloth, diamonds as big as hen's eggs in her ears. There was a long razor scar down her face she got in her teens from a girl who was jealous of her. She weighed only about a hundred and fifteen pounds, but she had the eye of one you couldn't monkey with. She was a queen sport.

According to the friend he is quoting, she was 27 on Oct. 15, the date of the killing. Others have said she was 22. Still others have said no birth certificate has been located in St. Louis and it is uncertain where or when she was born. Her obituary in the *Post-Dispatch* in 1952 put her age at 75, which would make her 22 at the time of the killing.

Richard Clay, a St. Louis movie operator who knew Britt at the time, said later that the young piano man was not interested in a series of women, just Frankie Baker and one other, Alice Pryor. Clay said he told Allen to stay away from Frankie because Alice was already his girlfriend and "I thought it was wrong to have more than one main girl."

Clay said he was never sure what prompted the shooting (Father McFarland misspoke about a knifing) but thought it was, as the song goes, a matter of jealousy, "a little mix-up between Frankie and Alice over Allen; just a thing that happened."

Huston said that Clay told him he was with Allen at the hospital before he died. And, he told Huston that Allen loved Frankie but was too young to handle her.

"Frankie was ready money," Clay said. "She bought him everything he wanted and kept his pockets full." But, Clay said, Allen done her wrong. "While she was waiting on company," he was out and about, "playing around." The two lived together at Frankie's rooming house; Frankie usually slept in the back but on that fateful Sunday night she got tired of waiting around for Allen to come home. She went out into the night to look for 'Albert', as he liked to be called, and found him in a hallway of the Phoenix Hotel, making up to a woman named Alice Pryar (Huston's spelling).

Huston wrote that Clay, Abbe Niles (a W. C. Handy associate), Billy Pierce (a 70-year-old black dance instructor from Harlem), H. Qualli Clark (a jazz composer who worked with St. Louis musicians and was published by Handy) and the unknown Ben Applegate were those "who helped him find Frankie" living in Portland, Oregon, in 1930.

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Huston tells the rest of the story:

She [Frankie] called Albert outside [the Phoenix] and began quarreling with him. A crowd gathered and they listened to the row. Albert would not go home with her. Finally she went on alone. It was nearly daylight when Albert followed. He found Frankie waiting up for him. There was more quarreling as he got ready for bed. He admitted to Frankie that he had been with Alice in her room at the hotel, he warned her he was ready to throw her over for good. She began to cry and said she was going to find Alice Pryar. Albert said he would kill her if she tried to go. She started for the door and Albert threw a lamp at her. In the darkness Frankie shot him as he came after her with a knife.

Albert made his way out of the house and down the street to the home of his parents at No. 32 [Targee.] His mother heard him calling. She came out and found him lying on the front steps in his pajamas. He told her what had happened and she began to scream. "Frankie's shot Allen! Frankie's shot Allen!"

A coroner's inquest was apparently held but the records of the inquest are missing; an index of such inquests at the St. Louis Public Library shows no inquest into the death of anyone named Allen Britt. Baker was apparently cleared at the inquest and no trial was held. In 1975 the *Globe-Democrat* ran an article supposedly quoting the inquest record but the quotes are really from a lawsuit filed by Baker in 1935 against Republic Pictures for defamation.

In that deposition, reprinted by the St. Louis *Star-Times* in 1939, Baker adds to Huston's account a bit, saying that after Britt came in and threatened her with the lamp she told him to get out and go to his mother's house. He said he wasn't going anywhere. Frankie says:

I said, 'I'm the boss here. I pay the rent and I have to protect myself.' He run his hand in his pocket, opened his knife and started around this side to cut me. I was standing there. Pillow lays this way. Just run my hand under the pillow and shot him. Didn't shoot but one time, standing by the bed."

She said she shot him with a .32 caliber handgun, a smaller gun that the .44 caliber usually mentioned in the songs.

In 1935, Frankie Baker gave an interview in connection to the Republic case to a journalist in Portland named Dudley McClure, who worked for the *Oregon Journal* but who published the information in a magazine called *Daring Detective Tabloid*. She told McClure that the coroner's jury ruled the killing justifiable homicide by self-defense but she was forced to stand trial anyway. She said the judge acquitted her on Nov. 13, 1899, and gave her gun back.

'I was afraid of Albert. He beat me unmercifully a few nights before the big blow-off,' she told McClure. 'My eye was festering and sore from that lacin' when I went before Judge (William) Clark. He noticed it, too.'

The reporter said years later he remembered the interview with Baker well and said it was hard to dig information out of her. "She was at her best, I discovered, when I brought along a bottle of bourbon."

By today, at least 400 versions of the ballad have been recorded. Huston found several other pre-1930 versions. The story went on and on from 1930, a year that also included a film called "Her Man," starring rising star Helen Twelvetrees. That same year there were two novels, *He Done Her Wrong* by Milt Gross that didn't have much to do with the original story; and Meyer Levin's *Frankie and Johnnie* with the lovers as juvenile delinquents.

The vaudeville comedian Joe Cook also got into the action in 1930, with a smash routine of the story at the Palace. The columnist Walter Winchell wrote of Cook that year, "Joe Cook is certainly one of the musical theater's three geniuses. I can't at the moment think of the other two."

And at the Waldorf bar, New York's priciest watering hole, Oscar the bartender was shaking up the Frankie and Johnny cocktail, the ingredients of which have been lost in an alcoholic fog.

The next movie, "She Done Him Wrong," opened in 1933 and is best remembered for its star and its impact on the history of Hollywood films, not for the song. For here was Mae West in all her drawling, sprawling magnitude. Next, in 1936, came the Republic picture "Frankie and Johnnie," starring Helen Morgan, a Chicago torch singer who had recorded the song in 1930 and again in 1935 but does not sing it in this movie, even though the song title is used for a film title for the first time.

In 1936 the artist Thomas Hart Benton, perhaps the most famous living American painter at that moment, put the incident on a wall of the Missouri State Capitol showing Frankie blasting her man in the back of his hip as he

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turns away, trying to escape the attack. The scene is a barroom, complete with an iconic pot-bellied stove, a terrified bartender and Johnny's Stetson hat on the floor. Other customers scatter, and a beer glass goes flying as Johnny crashes into a table and chair.

The painting is a small part of Benton's masterwork, "A Social History of the State of Missouri." It spans completely around the room known as the House Lounge and contains 13 panels that cover the state's history from its founding to the Depression.

Another charge of energy for Frankie and Johnny came before the end of the Depression, in an entirely different form, this time in Chicago on June 19, 1938, at the Great Northern Theater. The ballet "Frankie and Johnnie" was part of a program sponsored by the Federal Theater Dance Project, conceived by the dancers Ruth Page and Bentley Stone, as a way to look at the roles of wives and mothers in American society. It has been called the first feminist ballet, a performance that used humor to bring the story of the Frankie and Johnny legend to the stage—a woman wronged, a woman who fought back, and a woman who was vindicated.

The ballet was an immediate hit, "a wow with audiences" and a "feather for Mr. Roosevelt." It has since been revived many times, included by New York's Dance Theater of Harlem. Reviewing a production by the Ballet Russe de Monte Carlo in 1947, *The New York Times*, wrote, "It convinces you of its human truth even while you are chortling at its crude and uninhibited sentimentalities."

By then Frankie Baker was long gone from St. Louis, having left in 1901. She landed in Portland, Oregon, in 1913 where she went to work on the street. She was arrested "more than once" before moving indoors to work in a hotel. She saved her cash and opened a shoeshine parlor in the downtown section near Broadway. People there, including the police, did not connect her to the Frankie Baker of St. Louis and she lived quietly through the twenties.

But things turned on Frankie Baker as her story gained fame in 1930. At the same time she became ill and impoverished by the Depression. She said she heard about "one fellow" (Huston?) who made \$25,000 on a "book about Frankie and Johnny and here I am sick and almost broke. Now this Mae West makes a picture and sings 'Frankie and Johnny' and takes things right out of my life. I'm good and sore. The picture made millions and they got to pay me from here on."

She hired a St. Louis lawyer and filed suit in April 1938 against the Republic picture that starred Helen Morgan asking \$200,000 damages for portraying her as a "woman of unchaste character, a harlot, an adulteress, a person of lewd character, and a murderess."

Depositions were taken in St. Louis beginning in 1939 and a trial was held in 1942. There was a good deal of publicity—with much testimony and speculation on Baker's real character and whether or not she was in fact a "queen sport." The trial lasted seven days. Republic won and Baker went back to Portland and died 10 years later, institutionalized and broke.

A few more films were made from the story; by the crooning Elvis Presley in 1966; by the porn performers Rene Bond and Ric Lutze in 1975; by Al Pacino and Michelle Pfeiffer in 1991; by Michael Pressman and Lisa Chess in 2003; and by the Flying Canter Brothers in 2011.

Recording continued on through the years; notably by Leadbelly in 1939; Duke Ellington, 1945; Pearl Bailey, 1949; Les Paul & Mary Ford, 1952; Sidney Bechet, 1952; Lena Horne, 1955; Big Bill Broonzy, 1956; Sammy Davis Jr. in the film "Meet Me In Las Vegas", 1956; Pete Seeger, 1957; Champion Jack Dupree, 1958; Louis Armstrong, 1959; and Johnny Cash, 1959.

Also: Brook Benton—No. 20 on Billboard Top 40, 1961; Jerry Lee Lewis, 1961; Little Stevie Wonder, 1962; Sam Cooke—No. 14, 1963; Alice Stuart, 1964; Earl Hines, 1964; Elvis Presley in the film "Frankie & Johnny,"—No. 25, 1966; The Ventures, 1966; Hank Snow, 1970; Kay Starr, 1974; Michael Bloomfield, 1977; Craig Russell in the film "Outrageous!," 1977; and Bob Dylan, 1992.

More recently: Van Morrison, 1998; Snakefarm, 1999; Beth Orton, 1999 and Chris Smither, 2001.

The many versions of the story take many twists and turns but they all come back, more or less, to what John Huston called the "St. Louis version," the oldest version, the longest version, the public domain version; probably the closest to the Dooley version that was played by Tom Turpin in his father's saloon days after the shooting:



Frankie and Albert were lovers, O Lordy how they could love.
Swore to be true to each other, true as the stars up above:
He was her man, but he done her wrong.

Frankie she was a good woman, just like everybody knows.
She spent a hundred dollars for a suit of Albert's clothes.
He was her man, but he done her wrong.

Frankie and Albert went walking, Albert in a brand new suit.
"Oh good Lord," says Frankie, "but don't my Albert look cute?"
He was her man, but he done her wrong.

Frankie went down to Memphis, she went on the evening train.
She paid one hundred dollars for Albert a watch and chain.
He was her man, but he done her wrong.

Frankie lived in the crib house, crib house had only two doors;
Gave all her money to Albert, he spent it on those call house whores.
He was her man, but he done her wrong.

Albert's mother told him, and she was might wise,
"Don't spend Frankie's money on that parlor Alice Pry.
You're Frankie's man, and you're doing her wrong."

Frankie and Albert were lovers, and they had a quarrel one day,
Albert he up and told Frankie, "bye-bye, babe, I'm going away.
I was your man, but I'm just gone."

Frankie went down to the corner to buy a glass of beer.
She's says to the fat bartender, "Has my loving man been here?"
He was my man, but he's doing me wrong."

"Ain't going to tell you no story, ain't going to tell you no lie,
I seen your man 'bout an hour ago with a girl named Alice Pry.
If he was your man, he's doing you wrong."

Frankie went down to the pawnshop, she didn't go there for fun;
She hocked all of her jewelry, bought a pearl-handled forty-four gun
For to get her man who was doing her wrong.

Frankie she went down Broadway, with her gun in her hand,
Sayin' "Stand back, all you livin' women, I'm looking for my gambolin'
man.
For he was my man, won't treat me right."

Frankie went down to the hotel, looked in the window so high,
There she saw her loving Albert a-loving up Alice Pry.
Damn his soul, he was mining in coal.

Frankie went down to the hotel, she rang that hotel bell,
"Stand back, all of you chippies, or I'll blow you all to hell.
I want my man, who was doing me wrong."

Frankie threw back her kimono, she took out her forty-four,
Root-a-toot-toot she shot right through that hotel door.
She was after her man, who done her wrong.

Albert grabbed off his Stetson, "Oh, good Lord, Frankie, don't shoot!"
But Frankie pulled the trigger and the gun root-a-toot-toot.
He was her man, but she shot him down.

Albert mounted the staircase, crying, "Oh, Frankie, don't you shoot!"
Three times she pulled that forty-four, a-root-a-toot-toot-toot-toot.
She shot her man who threw her down.

First time she shot him he staggered, second time she shot him he fell.
Third time she shot him, O Lordy, there was a new man's face in hell.
She killed her man who had done her wrong.

"Roll me over easy, roll me over slow,
Roll me over on my left side for the bullet hurt me so.
I was her man, but I done her wrong."

"Oh baby kiss me, once before I go.
Turn me over on my right side, the bullet hurt me so.
I was your man, but I done you wrong."

Albert he was a gambler, he gambled for the gain,
The very last words Albert said were, "High-low Jack and the game."
He was her man, but he done her wrong.

Frankie heard a rumbling away down in the ground.
Maybe it was Albert where she had shot him down.
He was her man, but he done her wrong.

Bring out you long black coffin, bring out your funeral clothes.
Bring out Albert's mother, to the churchyard Albert goes.
He was her man, but he done her wrong.

Oh, bring on your rubber-tired hearses, bring on your rubber-tired hacks,
They're taking Albert to the cemetery and they ain't a-bringing him back.
He was her man, but he done her wrong.

Eleven macks a-riding to the graveyard, all in a rubber-tired hack.
Eleven macks a-riding to the graveyard, only ten a-coming back.
He was her man, but he done her wrong.

Frankie went to the coffin, she looked down on Albert's face,
She said, "Oh, Lord, have mercy on me, I wish I could take his place,
He was my man, and I done him wrong."

Frankie went to Mrs. Holcomb, she fell down on her knees,
She said to Mrs. Holcomb, "Forgive me if you please.
I killed my man for doing me wrong.

"Forgive you, Frankie darling, forgive you I never can.
Forgive you, Frankie darling, for killing your only man.
He was your man, though he done you wrong."

The judge said to the jury, "It's plain as plain can be.
The woman shot her man, it's murder in the second degree.
He was her man, but he done her wrong."

Now it was not murder in the second degree, it was not murder in the
third.

The woman simply dropped her man, like a hunter drops his bird.
He was her man, though he done her wrong.

"Oh, bring a thousand policemen, bring them around today.
Oh lock me in the dungeon and throw the key away.
I killed my man, 'cause he done me wrong."

"Oh, put me in that dungeon, put me in that cell,
Put me where the northeast wind blows from the southwest corner of
hell.
I shot my man 'cause he done me wrong."

Frankie walked up to the scaffold, as calm as a girl could be.
And turning her eyes to heaven she said, "Good Lord I'm coming to thee.
He was my man, and I done him wrong."



ST. LOUIS musicians directory

Aaron Griffin & Mojo Rising

Larry Griffin
ljgriff43@yahoo.com
314.662.1857

Bible Belt Sinners

Molly Simms
www.biblebeltsinners.com
618.980.2428

Brown Bottle Fever

Billy Skelton
www.brownbottlefever.com
314.226.2575

Bootigrabbers Delight

Jeremy Segel-Moss
314.482.0314

The Bottoms Up Blues Gang

Jeremy Segel-Moss
www.bottomsupblues.com
314.482.0314

Bumble Bee Bob Kamoske

rkamoske@gmail.com
314.322.2400

Dave Black

www.daveblackstl.com
314.647.1415

Eugene Johnson & Company

www.eugenejohnson.net
314.537.2396

The Fab Foehners

Sharon Foehner
sharondougfoehner@sbcglobal.net
314.577.1934

Funky Butt Brass Band

Tim Halpin
www.funkybuttbrassband.com
314.623.4504

The Harris Brothers Blues Project

Sean Harris
www.facebook.com/HarrisBrosBluesProject
618.977.7333

Hudson & The Hoodoo Cats

Hudson Harkins
www.hudsonband.com
314.603.5641

Jim McClaren

www.jimmccclaren.com
314.664.3449

The Jeremiah Johnson Band

Jeremiah Johnson
www.thejeremiahjohnsonband.com
314.556.5211

Johnny Fox

www.reverbnation.com/johnnyfox
314.792.4446

Miss Jubilee & The Humdingers

www.miss-jubilee.com
314.645.7220

Larry Griffin & Eric McSpadden Duo

Larry Griffin
ljgriff43@yahoo.com
314.662.1857

Pat Liston

Dawn Liston
www.patliston.com
618.741.1166

Raven Wolf C. Felton Jennings II

www.pugdogrecords.com
314.550.2743

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314.255.3708

Rough Grooves

Rich McDonough
www.reverbnation.com/roughgrooves
314.625.1787

The Thin Dimes

Nick Pence
www.facebook.com/thethindimes
314.657.6114

Tom "Boss" Hall/Geyer Street Sheiks

www.tomhallmusic.com
314.853.0060

Tommy Halloran and Guerrilla Swing

www.tommyhalloran.com
314.243.3147

Uncle Albert

Tim Albert
www.unclealbertband.com
618.286.4102

***Musicians! Advertise your contact information in the BluesLetter.
Contact Jeremy Segel-Moss at jsegelmoss@stlouisbluessociety.org.***
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ON THE ROAD

WITH PAUL NIEHAUS IV

Playing music on the road with a touring band is a fun job. Being in new and exciting places for short amounts of time, spending quality time with interesting and unique band mates, and meeting a wide range of engaging and generous people all the time are all cool aspects of doing my terrific job. In the four or so years since I graduated college I've had the fortune to be able to experience touring with such artists as Rockin' Jake, Matt Hill, and Marquise Knox. Currently I have the pleasure of playing bass while touring with Memphis-based artist John Németh.

John Németh is a blues vocalist and harmonica player who has a large body of original music that he can select from for his shows. I had to learn a good deal of material in preparation for the gigs. Learning all that music was fun because his songs cover a wide variety of genres and influences while still maintaining originality.

The tour I just finished with Németh was just over three weeks. In that time, we played sixteen gigs in six different states: Colorado, Pennsylvania, Ohio, New Jersey, New York, and Florida. The gigs were a mixture of festivals and bars. Playing in a different place nearly every night is both exciting and challenging but seeing a whole new crop of faces in the audience is a treat.

It's a fun gamble to walk up to a random person you don't know and start a conversation. It can often result in some wonderfully memorable experiences. One wonderful thing about playing music is the ability of music to move and help people.

People come to shows for lots of reasons. Like the person who's worked hard at the office all week and wants to have a few drinks and de-stress to live music. Perhaps there's a woman who, as die-hard fan of the blues, never misses a show by a favorite artist. Or, maybe there's a man that just happens to be at the same place at the same time as a show and may (or may not) be oblivious of the live entertainment.

Another great thing about touring is getting to run into old friends in various places. What a joy to be able to spend an evening with exceptional people from your past. In Florida, I saw two people with St. Louis connections, both former residents of the River City.

I had a lovely dinner in Lake Worth, Fla. with the colorful character, Jackie Jackson. Some people in St. Louis might know Jackie by her real name Bill. Jackie brought some of her friends to the show at a fabulous venue in Lake Worth called the Bamboo Room.

At the same show my former bandleader Rockin' Jake showed up. Spending time with Rockin' Jake is always humorous and exciting. Jake has moved from St. Louis and now lives in the Boyton Beach



Paul Niehaus IV with one of his favorite authors, Ernest Hemingway in Key West Fla.
Photo by a random tourist

area of the east coast of Florida.

In Orlando I got to see my dear friend Barry Irwin. Barry was the bassist on the same cruise ship I played

guitar on back in 2009 and 2010. We spent five months together at sea and developed a wonderful friendship despite the differences in our ages and background. I'm 24 and American, and Barry is 60 and South African.

Finding friends of all ages is worthwhile for me. Barry and I stayed up all night drinking scotch whiskey and talking about such things as bass and life. Moments like those are what the road is all about.

Meeting and getting to know new people on the road is its own blessing too. This last trip the band got to know some terrific young people from Baltimore who were on vacation in Key West. They dug our band and came back to the bar we were playing every night for a week. We got to spend time with them too at the venue's bandhouse and at the beach. I especially got to know and converse with a couple named Bruce and Holly who are practitioners of the Eastern art of Reiki. We had fascinating esoteric conversations under the multitude of stars with a bright half-moon at the beach.

The band also spent some time with some groovy people in Pittsburgh. Because one of our gigs fell through at the last minute we had no place to stay. Fortunately, we were offered a place by a childhood friend of our guitarist and former St. Louis resident, Elliot Sowell. Elliot's friends, John and Nicole, made us feel right at home by cooking out and providing a nice place for us all to sleep.

Németh a great bandleader to work for. He has a laid-back approach to logistics and his problem-solving skills remind me of the qualities of Taoism. This makes for an enjoyable experience working on his tour.

He does expect a high degree of detail in certain areas of the show, especially the vocal harmonies. The band had impromptu vocal rehearsals in the hotel room or in the van on the way to the gig quite often. As a performer, John is a truly phenomenal vocalist who gives it his all every time. This inspires his sidemen to do the same.

With so many fans and friends giving to us, it's our job to give our best performance to the audience every night regardless of the variables. It's the kindness and generosity of people out there that make what we do possible and enjoyable!

There are some things that help me in my daily road routine to make sure I'm rested and of right mind to play. Whenever possible, I find that things like yoga and meditation help immensely. So does having something to read to keep your mind engaged on long drives or long stretches of downtime. Staying physically active is key. Group activities such as basketball and tossing a football are great ways to get everybody moving and playing together.

Another great way to stay engaged is to take advantage of the tourist stuff. If our hotel has a hot tub, pool, sauna, or steam room, I'm there without a doubt. Being able to rest and relax are vital when you've just completed a grueling 24-plus hour drive and have to play that night!

While we were at Beaver Creek, Colo. we went hiking in the mountains. And, Key West, Fla. has all kinds of things to be enjoyed.

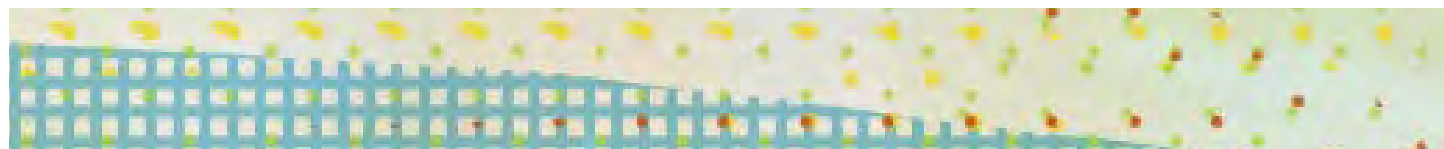
Activities like visiting the local aquarium and partaking in the fresh local seafood, or deliciously authentic Cuban food helps keep your mind positive and appreciative of where you are. After a week in Key West, I can see why Harry S. Truman and Ernest Hemingway spent so much time there.

John Németh has a forthcoming new album that we've been performing songs from. Recorded in Memphis with the legendary Bo-Keys, the album should be released sometime in early 2014. If you are new to Németh's music, then I'd recommend checking out the tunes: "Name The Day," "You're An Angel," "Blue Broadway," and "Magic Touch" for a real good sampling of his work.

I love playing on the road, you can follow me on Facebook where I post more detailed accounts of my daily life and touring activities. Message me there or email me at pniehaus@stlouisbluessociety.org. ☺



John Németh and drummer Danny Banks on a hike in at Beaver Creek, Colo.
Photo by Paul Niehaus IV



St. Louis Blues Musicians' Information Page

St. Louis Blues Society Musicians' Liaison Sharon Foehner invites you to join the Blues Society's musician contact group. Send your email address and other contact information to her at musicians@stlouisbluessociety.org.

Clearance Culture



Clearance Culture is a series of articles presented by the St. Louis Blues Society to help local blues musicians expand their knowledge about the business of music. Topics explored will include information about copyright, signing with a pro, getting a licence to cover a song, understanding how publishers and record labels treat your intellectual property, and understanding fair use and the public domain. It is always advised to consult with an attorney before making any serious decisions. If legal advice or other expert assistance is required, be sure to seek the services of a competent professional.

Copyright issues have an enormous effect on your business including the writing, publishing, recording and performance of music.

Who the Heck is Harry Fox?

In the last Musicians Information Page article, I gave a short account of the reasoning and history of Copyright Law in the United States along with a list of the six exclusive rights of copyright holders. Each of the six exclusive rights have their own set of licensing hoops to jump through if you are not the owner of a particular song you would like to use in some way.

If you want to “cover” someone else’s song on your next CD, you are using two of their rights: to reproduce the work and to distribute copies. A song cannot be “covered” unless it has first been recorded by, or authorized to be recorded by, the copyright owner (usually the publishing company and the songwriter in some sort of a split agreement). In addition, when you cover a song, you cannot alter it from the “basic melody or fundamental character” of the work.

The *mechanical license* covers the right to mechanically adhere a song onto a recording medium and reproduce it. Back in the day, the term “mechanical” made more sense—songs from sheet music were mechanically reproduced on piano rolls. Today you click a mouse to adhere music on a CD or set for a digital download but the need to obtain a mechanical license still exists.

After a song has been recorded once, mechanical licenses become compulsory, that is, if you obtain the

appropriate mechanical license and pay the statutory mechanical rate, you cannot be prevented from recording the song.

The statutory rate is set by the Copyright Royalty Board at the Library of Congress and is published at www.copyright.gov/carp/m200a.pdf. A “mechanical” does not just mean CDs and other physical products. A mechanical license is also required for many digital uses: permanent downloads, limited downloads, streaming and ringtones. Physical products and permanent downloads fall under the statutory royalty rate. The other digital uses fall under different rates.

The statutory mechanical royalty that is paid for physical copies and permanent digital downloads is based on the length of the song and the number of reproductions you plan to make. The current royalty rate is 9.1¢ for a song five minutes or less in length, or 1.75¢ per minute for songs over five minutes (rounded up to the nearest whole minute). This is then multiplied by the number of copies. So for example, if you plan to record and make 500 copies of a song that is 5 minutes and 30 seconds long, the math would be: $6 \times \$ 0.0175 = 0.105 \times 500 = \52.50 .

So, who the heck is Harry Fox? Well, he was not the foxtrot guy as some people think. In the late 1800s and into the early 1900s, there was an association of music publishers in New York City. This association took care

Continued on page 18

THE SAINT LOUIS BLUES SOCIETY



THE ROAD TO MEMPHIS

The St. Louis Blues Society announces the 2013 band competition to select one blues band and one solo/duo act to represent St. Louis at the 30th International Blues Challenge (IBC) presented by the Blues Foundation and held in Memphis Tennessee January 21 to 25, 2014.

Any act that performs 50% of the time in the St. Louis area is eligible to compete. Entrants must follow rules and guidelines for qualifying application submission.

Application Availability/Submission Deadline
July 1 through August 31, 2013*

www.stlouisbluessociety.org/blues-challenge

DON'T DELAY - APPLICATION IS ONLY AVAILABLE FOR A LIMITED TIME!

The St. Louis/IBC Application will be available for a limited time beginning July 1, 2013 on the St. Louis Blues Society website. Musicians who intend to enter the challenge will download the application and submit it timely to ensure a place in the final competition.

**The St. Louis Blues Society will accept only the FIRST TEN band applications received that meet requirement qualifications and the FIRST FIVE solo/duo applications received that meet requirement qualifications. When sufficient numbers of qualified applications are received by the St. Louis Blues Society, the application availability period will close for that category. The official submission deadline date for both categories is August 31, 2013. No applications will be accepted after the official deadline.*

St. Louis Blues Challenge Final Judging
Sunday, October 13, 2013

3 pm to 10 pm

Kirkwood Station Brewing Company
105 East Jefferson
Kirkwood MO 63122

St. Louis Blues Challenge Winners' Showcase and Fundraiser
Sunday, December 8, 2013

8 pm to 12 pm

BB's Jazz, Blues and Soups
700 South Broadway
St. Louis MO 63102

The two St. Louis winners will agree to perform together at a St. Louis Blues Society fundraiser prior to the IBC in January 2014. Proceeds from the fundraiser will go towards expenses incurred by the Blues Society to send the two fabulous acts to Memphis for the time of their lives!

For complete rules visit:

<http://www.stlouisbluessociety.org/blues-challenge/ibc-rules-and-scoring-system/>



of issuing the mechanical rights for sheet music and early “cover” recordings on phonorecords. Harry Fox was the person to contact at this association to obtain a license. He was so well known in the industry that mechanical licenses were often referred to as “Harry Fox licenses.”

The National Music Publishers Association (NMPA) was formed in 1917 and later established the Harry Fox Agency (HFA) to act as an information source, clearing-house and monitoring service for mechanical licensing.

It's the Harry Fox Agency that collects your \$52.50 and distributes it to the copyright owner. They issue you a mechanical license that allows you to put that song on your CD or set it for digital download on your website.

The digital age has changed the way musicians obtain mechanical licenses. A few years ago, HFA created an electronic licensing system called Songfile® to make it easier for smaller quantity licensing. With Songfile, a musician who plans to release 2500 copies or less of a CD or permanent digital download can quickly obtain a license without mailing any paperwork. The Songfile Online Search and Mechanical Licensing Tool link is quite apparent on the home page of www.harryfox.com or go to www.songfile.com.

Songfile has two components. A “public” search engine for the HFA catalog that claims to contain “millions of songs” is available. Searching by the song title will return the writer, the publisher and a list of other artist who have already covered the song and on what album the covers appear. The search also indicates if the song is included in an HFA affiliate song catalog. If it is, then royalties for these catalogs are paid to copyright owners commission free when you use Songfile to purchase your mechanical license.

The second component of Songfile is mechanical licensing for small quantities of copies. With Songfile, the entire process of purchasing a mechanical license takes just a few minutes. Users can pay by credit or debit card and licenses are emailed to users. You must register as a user the first time you use the service. It is quite easy to use, but there is a Songfile demo video you can watch. The link to the demo is within the Songfile pages.

If you are just wondering how much a particular song will cost and your math is rusty, HFA provides a Royalty Rate Calculator. Down the left side of the home page, click on the aqua colored “Licensee” bar to locate the calculator. Just click in the length of the song and how many copies you want to make, and it will let you

know what you are going to spend.

For those of you that plan to release your CD in quantities larger than 2500, or are looking to create limited downloads, streaming, or ringtones, then you must create a HFA Mechanical Licensing Account. This account does work electronically too, however, royalty rates may differ for other types of digital uses and you will be required to file quarterly reports.

To collect royalties from songs you have written that are covered by others, you can become an affiliate of HFA. To become an HFA affiliate, you must also be affiliated with a publishing company. Most local musicians form their own publishing company (and I'll talk about that in a future article). Your publishing company must make at least one song available for licensing through HFA, and has to have had at least one song commercially released by a third party within the last twelve months.

There are other mechanical licensing services appearing on the World Wide Web in recent years. The Future of Music Coalition speaks highly of Limelight® www.songclearance.com. Limelight is owned by Rights-Flow, which is owned by Google. Limelight works in basically the same way as HFA. Their search takes place by asking a few more questions about the song than just its title, but you can jump right to purchasing the license from the search. There is an administrative fee that HFA's Songfile does not charge.

Most artists and musicians use HFA or one on the other services to obtain their mechanical licenses. However, you can still go directly to the copyright owner if you think you can negotiate a better price or if the owner's song is not included on any of the sites. The other reason to contact the owners directly (and that could be two parties with two different copyrights: the songwriter and publisher *and* the record label) is to obtain a “master use” license. Master use licenses are needed if you want to use the original recording of a song for sampling, synchronizing in a movie, using as a ringtone, or including in a compilation release. Master use licenses are not available from any mechanical licensing service. 🎵

***get involved in
the Blues Society***

attend our board meeting

Tuesday, July 16

7:30 pm

Schlafly Tap Room
2100 Locust

THE ST LOUIS BLUES SOCIETY
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ST LOUIS MO 63178

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