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The Boston Globe

Herb Reed, the founding member of one of early rock 'n' roll's most popular groups, The Platters, wants to silence the impostor bands that are making millions off of his music and ruining his legacy.



Herb Reed, shown in his Arlington condo, hopes new laws will punish copycat music groups. (Photograph by Peter Urban)

By RUSSELL NICHOLS | October 29, 2006

HERB REED, a short man with a thick mustache, reclines in his Arlington condominium, eight floors up, on a drizzly afternoon. The room is strewn with priceless pieces of his past: black-and-white photographs of Reed in his 20s on tables, old album covers stacked beside a bookshelf, clocks telling the time in London and Las Vegas, worn passports, and gold records on the walls. This is the world he knows, the life he molded from meager beginnings in the Midwest with the bass voice he trained to harmonize. It has been more than five decades since he started The Platters, in 1953. Of the five original members from the group's first recording contract, three have died and one is in a nursing home in California. But Reed still plays nearly 200 shows a year - many on cruise ships in the Caribbean - with a new generation of Platters.

And he is tired. Not from the shows or the media or the fans who know every word to hits like "Only You," "The Great Pretender," and "Smoke Gets in Your Eyes." He is tired because, for years, countless groups have been touring the world as The Platters - but without Reed or his blessing or any ties to the original singers. There are Platters everywhere on any night on any given stage, singing the songs Reed helped make famous. There is a group called The Platters that performs regularly in Las Vegas at the Sahara Hotel & Casino. There is the World Famous Platters from Branson, Missouri. There is the Legendary Platters in Canada.

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For Reed, the fight to stop these so-called impostor bands has been a tough journey replete with dead ends. He says he has spent millions in legal fees with few results. The impostor-band phenomenon has prompted several states to enact laws to prevent copycat groups from performing, measures designed to protect artists as well as consumers, who often buy tickets believing they will be seeing original singers. (Tribute bands that clearly advertise they're just playing covers are exempt from these laws.) A

version of the bill passed in the Massachusetts Senate this year and awaits a vote by the House.

Reed, now 78, refuses to respect any band, even a tribute band, that makes money off of his work. He sits in his room of mementos that mark where he has been and what he has been through. He feels violated, just like the victim who lost thousands of dollars and her good credit rating to identity thieves or the struggling screenwriter whose script was stolen and made into a big-budget movie without his permission. "They are destroying my legacy by being as bad as they are," Reed says of the impostors. "There are so many phonies out there. It's like the plague."

MUSICIANS ON TODAY'S CHARTS experience another kind of theft - the duplication and distribution of recordings without authorization, called music piracy. But they are mostly safe from performers who might try to impersonate them. Formal contracts and copyright laws protect the real artists, as do savvy fans who wouldn't be fooled by a fake Ludacris or U2 or Beyonce. But oldies groups are another story. For years, they've seen copycats pretending to be them and, until the recent push for legislation, getting away with it.

All year long, venues across the country book groups with names such as The Platters, The Supremes, The Drifters, and The Coasters, rarely informing the public that the groups are just cover bands with no connection to the original members. Although some oldies groups with no black members such as The Diamonds and Bill Haley and His Comets have also been victimized by impostor bands, the ones that have been hit the hardest are black groups from the 1950s and 1960s. Their music comes from a time when media attention, especially for black artists, was limited. Fans didn't necessarily know the names or faces of the members of their favorite groups. In many cases, poor business decisions made decades ago left the rights to the group names in the hands of record or production companies, not the original group members. Groups have broken up. Some members have died. But the groups' names have lived on.

Mary Wilson, 62, an original member of The Supremes, performs about 100 gigs a year and says there are at least five other groups using the name "Supremes" without permission. Motown, her former record company, owns the trademark to the name, and Wilson says she has spent more than \$2 million in legal fees to acquire it, to no avail. Although Wilson has used the group name in the past, she says she now tours mainly under her own name. "I have a garage full of lawsuits, and I don't think I've ever won any of them," she says from her home in Las Vegas. "I'd hate to have to die heartbroken knowing these people are still out there performing, stealing our names."

Many musical venues profit from these copycat groups. Sometimes the impostor bands underbid the originals, much to the promoters' delight. The advertisements go out and the tickets get sold, often at steep prices to unsuspecting buyers. Maxine Porter, longtime manager for Bill Pinkney, an early member of The Drifters, says she receives hundreds of e-mails from fans who feel betrayed after purchasing tickets for a show with a copycat group. This letter arrived in June:

Dear Bill,

At least I hope this makes it to you, Bill.

I was in Las Vegas last week, and attended a show featuring the Platters, the Coasters and the Drifters. The thought of being able to hear the Coasters and Platters was okay, but the Drifters!!!! That was the reason I went!

I was disappointed to learn that I wouldn't be hearing even one of the original members of any of those groups - most especially my Drifters. I asked the performers afterward about where the original Drifters are, and no one wanted to say much about any of you.

"There's nothing wrong with singing the music. There's nothing wrong with doing the shows," says Porter, who lives in Las Vegas. "There's everything wrong with representing the music to the public where innocent buyers believe they will see someone who was a direct participant in the legacy. These Drifters are actually younger than the records they're singing." Porter believes that the 81-year-old Pinkney, as a decorated veteran of World War II, deserves some sort of protection from the country he fought for. "Having given that service to America, I would think that America would give him protection in his ninth decade as he tries to keep alive the music that he created," she says. "We've all heard that imitation is the best form of flattery, but when you take a person's legacy and attempt to claim it as your own without giving them the respect, that is unsettling."

But supporters of these copycats argue that bands from the '50s and '60s were often known for their

music, not their members. Since few, if any, of the groups remain fully intact, some also argue that there is no difference between a group with no original members and a group with only one. The fans, they say, just want to hear the classic tunes to reminisce - to carry them, if only for a few hours, back to the good old days.

Harvey Robbins, a local oldies show promoter who founded the Doo-Wopp Hall of Fame, a program that honors original bands from the '50s and '60s at Symphony Hall in Boston, sees both sides of the argument. He says the impostor-band conflict is tangled in a web of trademarks and "motivated by self-promotion." He despises that copycat groups deceive the public, but he also says their existence is a matter of time and law. "If you see the Boston Celtics, who's playing? Bill Russell? Larry Bird?" he asks. "They're not there because time has taken a toll. If a group has a legal trademark, owns the legal rights, and has represented the music of the original recordings in a proper fashion, that group should not be disallowed from representing themselves as the group by name."

REED GREW UP poor in segregated Kansas City, Missouri. His parents died before he was 10. As a young teen, he sang with friends on front stoops and in a church choir. It was how he coped. When he was 15, Reed accepted a friend's invitation to ride with her to Los Angeles. He had never even heard of the city but moved there with only \$3 and a cigar box containing a toothbrush, comb, and handkerchief. In LA, Reed met people who allowed him to stay with them. He took a job at a carwash making about \$20 a week, which he used to pay for lodging and to wash his clothes. "Those days were learning days before the recordings," he says. "I learned how nice people could be and learned responsibility. I learned that it is better to be honest than dishonest."

In 1953, Reed says, he started a group of harmonizing street singers with three other men - Joe Jefferson, Cornell Gunther, and Alex Hodge - and he picked the name The Platters, inspired by disc jockeys who called records "platters." None of them played any instruments, but they could sing, mostly popular songs of the day. With Reed singing lead, they won first place at amateur shows around Los Angeles. Soon after, David Lynch replaced Jefferson, and Tony Williams replaced Gunther and became the group's lead singer. They drove up and down the California coast, performing and making a few dollars, which they would split and use for gas money. In late 1953, they met a business-wise songwriter from Chicago named Buck Ram, who became their manager. The following year, Paul Robi replaced Hodge, and they added a female singer, Zola Taylor. The Platters signed a recording contract with Mercury Records in 1955, and the group started accumulating hit singles.

But with the nation still divided by color lines, the fame was bittersweet for Reed. The group had to carry weapons for protection as they traveled by bus through the South, where the Ku Klux Klan would try to intimidate them and prevent them from performing, says Fred Balboni, Reed's current manager. "Success was unbelievable," Reed says. "But it still wasn't something that made you feel important. You still didn't have that feeling, because you knew that after the party was over, you were still black in America."

By the 1960s, Reed says, the group fractured: Williams tried to go solo, Taylor married, Lynch started selling furniture, and Robi pursued other ventures. Reed continued performing, finding replacement singers in auditions across the country. "I just kept on trucking," he says. "I never stopped." The Platters recorded nearly 400 songs, toured in 91 countries, and sold more than 100 million records. In 1990, the group was inducted into the Rock and Roll Hall of Fame.

Other groups that called themselves The Platters started emerging in the 1970s, around the time that Reed moved to Arlington because he liked the weather and the people. Six years ago, he sued a Lawrence producer for advertising a show featuring a group called "The Platters." A federal judge ruled in Reed's favor, and the copycat Platters were taken off the show. "So they took off The Platters and they became The Coasters," says Gale Stewart, Reed's personal assistant. "And The Coasters don't have a female in their group, but they did that night."

To avoid being mistaken for an impostor, Reed now bills himself as "Herb Reed & The Platters." He says he doesn't acknowledge any musical group without at least one original member for one main reason: "They had nothing to do with the recording success of the group."

A VERSION OF THE so-called Truth in Music bill has been passed in Pennsylvania, Connecticut, South Carolina, North Dakota, and Illinois. It is pending in Massachusetts, New York, Delaware, and Michigan, and gaining momentum in 10 other states. In Massachusetts, the bill would allow the attorney general to stop an impostor-band performance with an injunction, and violators could be fined from \$5,000 to \$15,000. The proposal allows for tribute or cover bands, but other groups must have at least one original member to be considered legitimate. House lawmakers may vote on the bill as early

as January.

One critic of the bill is Jean L. Bennett, who was in charge of public relations for Buck Ram in the 1950s and helped The Platters with promotions during that time. The 83-year-old now lives in Las Vegas, where she runs Five Platters Inc., the production company Ram formed in 1956. The company, she says, still owns the rights to use "The Platters" name. Ram died in 1991, and Bennett started the Buck Ram Platters - which performs mainly in Las Vegas - in honor of Ram, who wrote, arranged, and produced the group's music for decades in addition to being its manager. She also licensed the name to a New York production company that created The World Famous Platters and several other versions. "If it wasn't for Buck Ram, they would never have lasted," she says of The Platters. "These kids couldn't have gotten to first base without his instruction and his help. We carried on the legacy of The Platters."

That's not how Reed sees it. He disputes Bennett's claims that her company owns the name. And while Reed's manager agrees that Ram's contributions were invaluable, he says they would have been pointless without Reed. "Buck Ram did have the business savvy that they didn't have," Balboni says of The Platters. "However, it was Herb that actually steered the group."

Bennett admits that the imitation groups are getting out of control, as more and more spring up every year without the legal rights to use the name. But she doesn't think the Truth in Music bill is fair, because, she says, it makes no sense to allow a group to perform only if it has at least one original member. "That's impossible," Bennett says. "What happens when they all die? When Herbie Reed is gone and no one can use it, that's it? The legacy should go on legitimately through whoever maintains that name and owns it through an early connection."

Senator Marc Pacheco, a Taunton Democrat who sponsored the bill in Massachusetts, calls the proposal a consumer protection bill that keeps ticket buyers from getting "ripped off." He says tribute groups would be allowed, because "people would know when they bought their tickets that they won't see the real Platters."

Jon Bauman, also known as "Bowzer" from the group Sha Na Na, has been heading the Truth in Music campaign from the Vocal Group Hall of Fame Foundation in Sharon, Pennsylvania. "It's really been awful to watch [musicians] struggle with this problem for so long, when they're the people who created this music that really changed the world," says Bauman, who lives in Los Angeles. "You're talking about a time, 50 years ago, when this music started, people were drinking from separate drinking fountains and riding on the backs of buses." Bauman hopes the legislation will encourage promoters and venues to start policing themselves to avoid involvement by state authorities.

The legal battles took a physical toll on Carl Gardner, an original member of The Coasters. The 78-year-old, now living in Port St. Lucie, Florida, had a stroke in 2004, largely due to the stress of court cases over impostor bands, says Veta Gardner, his wife and manager. "He's tired of all the fighting," she says. "In the early days, these guys didn't make any money, and here it is, they should be on the Mediterranean somewhere getting big royalties in a nice yacht, and instead of this someone is stealing their money, stealing their identity." His doctor told him to take it easy, but he continues to work on a new collaboration album with his 51-year-old son, also named Carl, to keep his legacy alive. "I'm going to fight till the very end," the elder musician says. "We will rise again. We will return."

Herb Reed believes there is little else he can do but continue to entertain people and stay as close to the original sound as possible. "I'm not shooting for any new stars," he says. "I'm content in knowing what I've done and done honestly and that I am an honest man who's still making a living singing some of the music I helped to make famous."■

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