

APPLE CORPS VS. BEATLEMANIA – 1979

By the year of Elvis Presley's death, impersonators had begun taking root, recognizing the public appetite for a concert experience they would otherwise never enjoy. As the decade unfolded, all four former Beatles established solo careers, giving little outward indication that they would be reforming anytime soon. Into this void, some enterprising souls stepped in to give the public what they wanted. While a straightforward impression by four bewigged musicians might have sufficed for some, rock impresarios Steven Leber and David Krebs had greater ambitions. Casting four look-alikes (more or less), gathering an array of iconic sixties images, and marrying the whole thing to a state of the art light show, they called the result *Beatlemania*. By word of mouth, the audio-visual-concert extravaganza was road tested before debuting at Broadway's Winter Garden Theater in May, 1977.

Though critics and purists may have quibbled with the end result, the show packed in the crowds, becoming a bona fide smash. At least seven sanctioned iterations set up shop around the country to fulfill the public's appetite for their "incredible simulation." But distracted though they might have been by their own careers, the four ex-Fabs individually became well enough aware of their appropriated music and image to take legal action against its misuse.

Two years after *Beatlemania* was launched, Apple Corps filed suit in Los Angeles against the show's producers. Contrary to common belief, it was not copyright infringement that they charged, but "right of publicity"—that is, that the show's producers were in effect "stealing" the Beatle's name, likeness, and sound for commercial purposes, robbing them of control of their own carefully crafted public personas. As the show was in no way sanctioned by Apple or the individual ex-Beatles, their own right to promote themselves was in effect being hijacked by outsiders. By injunction, the show was closed for good on Broadway in October, 1979 after over 1,000 performances.

For such an open and shut case, the litigation took some seven years to move through the judicial system (with appeals factored in), mostly to determine damages. In the end, Apple was awarded \$10 million for the misappropriation of the Beatles' image. Considering that the show had grossed some \$45 million, this wasn't too stiff a penalty.

What was truly revelatory about the case only came to light in 1986 with the conclusion of the litigation. Only then were the ex-Beatles' sworn depositions made public. John's was given on November 28, 1980 – ten days *before*. In it, he stated, "I and the other three former Beatles have plans to stage a reunion concert." The plan called for a one-off live appearance to be filmed as a finale to their years-in-the-making documentary, *The Long And Winding Road*. This astonishing admission must be examined within the context from which it came. Certainly, given the court case before him, it would have been in his interests to assert that the Beatles were not yet played out and that with a future live project before them, any usurping of the Beatles' name would be potentially damaging.

But in examining his latest pronouncements outside of court, one can detect a pattern of building up Yoko at the expense of his past. In 1980, in glaring opposition to statements he'd made during his last public utterances on the subject, John argued long and loud against the possibility of the four of them ever getting together again. Much of what he had to say in the *Double Fantasy* promotional interviews had the effect of downplaying any future Fabness, while playing *up* the domestic and artistic union he and Yoko were enjoying. His oft-repeated debt of gratitude for Yoko's wisdom and clearheaded guidance smacks of overkill, suggesting a man-child with horrific dependency issues—a characterization still hotly debated.

We now know that much of what he told interviewers was nonsense: for example, the narrative that he stayed musically inactive during the househusband years until being struck with inspiration during his 1980 spring sojourn to Bermuda. This mythmaking was easily dispelled with the commencement of the *Lost Lennon Tapes* radio show during the 1980s, which revealed a trove of recordings made during this allegedly inactive period, among them “Free As A Bird” and the various iterations of what became “Real Love.”

John’s final publicity blitz came in support of a joint project with Yoko, who—between the two—seemed to have a greater grasp of the contemporary music scene. (Despite the buzz surrounding Lennon’s return to recording, *Double Fantasy* was *not*—initially at least—the chart-tearing rocket he might have expected, especially in England, where initial reviews were lukewarm.) On the night of his death, he worked on what was expected to be Yoko’s commercial breakthrough track: “Walking On Thin Ice.” New York City newsstands were carrying an issue of *Soho Weekly News* proclaiming (ironically, as it happened) “Yoko Only.” With most of the critical acclaim being directed toward his wife’s *au courant* sound, John had good reason to believe that his own work might soon be eclipsed—perhaps by design.

His private opinions regarding a future with his ex-bandmates were another matter. In his relationship with May Pang, which continued beneath the radar long after it had publicly ended, he often expressed a desire to resume a songwriting relationship with Paul. (Producer Jack Douglas concurred.) Stories from multiple sources have circulated suggesting that in Lennon’s last weeks, Paul was stymied in his efforts to reach John, very likely for pursuing this very purpose.

John, Paul, and George were making contributions to Ringo’s upcoming album—perhaps this could have provided the catalyst for a discussion of working together; if not as “Beatles,” at least as musicians and long-time acquaintances that intuited each other’s musical moves very well. It must also be remembered that for the first time in his solo career, George had just had a completed album handed back to him, with complaints that it wasn’t commercial enough. With *Wings* on the skids, Lennon back in business, and Ringo being Ringo, might not the planned get together for the drummer’s nuptials in early 1981 be a most opportune time to re-think a mutually beneficial collective future?

Whatever John was thinking when giving his sworn statement, it isn’t too much of a stretch to conclude that he was keeping his options open. That he was putting tremendous energy into pushing Yoko as an artist in her own right whose time had come strongly suggests that he was willing to suspend their joint efforts, using the one-two punch of *Double Fantasy* / “Walking On Thin Ice” to launch *her* solo career, therein liberating himself. The answer to what his intents were will forever be debated, but his deposition gives a tantalizing glimpse into what might have been, had the events of December 8 played out differently.