

NEWS



GRAPHICS BY ED FICKLE

Fighting for control



Major record companies under investigation for alleged anti-trust violations

Ed Fickle
Staff Reporter

Less than six months after the major record labels won important court decisions against online music distributors, including Napster and MP3.com, the United States Department of Justice is stepping up an investigation into online ventures by Sony, EMI and Vivendi Universal, among others.

"With these big record companies, it's not for the art of music. It's about the money they make, how many bills they can make people pay," said Brian Miller, a senior music major.

The Department of Justice, while saying little about their investigations, have invited several small Internet and music start-up companies to closed hearings in Washington, D.C., to investigate possible anti-trust violations on the part of major record labels.

"We weren't surprised," said one Internet music executive quoted by CNET news.com, who received an invitation to a private meeting with the department. "Whether or not this pattern of behavior we've seen from record labels does or does not constitute anti-trust, it's certainly (a concern) to us. I wasn't surprised it was (a concern) to others as well."

Before Napster reached its peak of use and the height of legal attention, some of the major record labels were advancing efforts to begin an online music subscription service. Prior to the end of the court battle with Napster, Sony and Vivendi Universal were closing deals with artists and other record companies to begin their subscription service in the fall of 2001.

"They are gearing it more towards people who want music for entertainment and not so much for the artistic appeal," said Jason Hawkins, a senior computer science major.

Last week, the Department of Justice sent civil investigative demands to several parties as a part of preliminary hearings on an anti-trust investigation. The demands require those companies involved to hand over documents and information requested by the department.

Potential anti-trust activities are also being closely monitored by several state's attorney generals. If the Department of Justice does not pursue a case against the record companies, the states can bring their own suits against the record companies. Some states are considering a class-action suit against record labels on behalf of consumers.



PHOTO ILLUSTRATION BY ERIK JACOBS

Record labels such as Sony, EMI and Vivendi Universal face an investigation by the United States Department of Justice.

CNET news.com reported that "One former digital music executive, relating a conversation in mid-1999, says he was told flat out by a high-ranking label representative, 'We meet with all five of (the labels) once a week.' The labels wouldn't 'break ranks' on licensing music to start-ups, the music label executive reportedly said.

Most of the attention is being given to MusicNet and Pressplay, joint ventures between the five major record labels to distribute music online. RealNetworks and partners AOL Time Warner, Bertelsmann and EMI Group, plan to start offering music through MusicNet in late November. A joint venture between these companies, MusicNet would deliver fee-based online music distribution for members through RealNetworks.

CNET news.com quoted Department of Justice spokeswoman Gina

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sophomore, music major

Talamona, who declined to provide details about the agency's investigation, but did confirm that the department is monitoring "potential anti-competitive practices and competitive effects of certain joint ventures in the online music industry."

The other option available to consumers would be Pressplay, a joint venture between Sony and Vivendi

Universal. The companies plan to have Pressplay featured on Yahoo, the Microsoft Network and MP3.com by the end of 2001.

In addition to anti-trust investigations, the Department of Justice has renewed investigations into CD-price fixing by the major record labels. The last major federal case to reach court on CD price fixing ended without a conclusive decision or any definitive convictions.

"We are confident that, once it has gathered the relevant facts, the Department of Justice will conclude that our actions have been fully compliant with all applicable laws," Recording Industry Association of America spokeswoman Amy Weiss said in a statement last week.

Many UNCA students remain unconvinced of the recording industry's claims that they have done nothing wrong.

"You can get good CD's from small record labels really cheap, while the big companies charge a lot, and most of them are the same. I would have some suspicions about that," said John Haynes, a sophomore music major.

Mike Horga, a junior music major, said, "A musician can independently produce a thousand records, ... get the whole package done and sell them for like \$2.50, and still make a profit."

Free online music distribution has seen a significant drop in users over the last several months, particularly in Europe and the U.S., according to a report on TechTV.com. Consumers still value the power of online distribution, but are unsure of the true purpose of the new ventures MusicNet and Pressplay.

"Maybe some day, everyone will get their music from networks, but for me, there's nothing like the physical album. I think it will be another generation or two before people are really going to want to get all of their music this way," said Hawkins.

Consumer rights groups are closely following the deals, skeptical of online music distribution being dominated by the largest media and recording companies in the world. According to CNET news.com, copyright experts say the joint ventures cannot be exclusive and pass the department inspection.

In a San Francisco court hearing last week, federal Judge Marilyn Hall Patel, who is presiding over the ongoing copyright suit against Napster, scrutinized MusicNet and Pressplay. "I'm really confused as to why the (record companies) came upon this way of getting together in a joint venture," Patel said.

UNCA board deals with cuts

Stuart Gaines
Staff Reporter

UNCA's Board of Trustees met Oct. 17 to discuss a number of ongoing issues at UNCA.

"Talk of our budget is always first and foremost in our meetings," said Chappell Carter, member of the board since July 1997 and chair of the Academic and Student Life Committee. "We have had conference calls with the chancellor since August, as Dr. Mullen keeps the entire Board of Trustees informed about all the goings-on at the state level, and how this affects UNCA."

The latest budget cuts will affect all at UNCA, said Carter. However, Dr. Mullen and the Board of Trustees are working hard to protect the University and the students.

"Certainly, a 4-percent cut will change some of the plans we had for student life. But, the plans we had were activities which were going to be added to the agenda," said Carter.

"My hope is that we will not have to curtail some of the activities we already offer," said Carter. "We shall see."

The committee, chaired by Carter, also discussed a number of other issues relevant to student life.

Maggie Smith, director of Child and Family Services at UNCA, met with the committee to discuss the agreement between UNCA and the Puckett Institute, which would partner in some early childhood education activities.

Part of the agreement includes a campus-based childcare service.

"The childcare program will serve students, with children as its primary focus," said Smith. "The board was very receptive to this partnership and the idea of campus-based childcare."

The Academic and Student Life Committee also discussed the current search for a new Admissions Director, said Carter.

"Our former Admissions Director, John White, retired after 10-plus years at UNCA," said Carter. "We are trying to find the right fit for UNCA, and that takes time."

Other business presented to the Board included discussion of UNCA's on-going relationship with the Southern Association of Colleges and Schools (SACS).

Dr. Shirley Browning, professor of economics and Dean of Curriculum at UNCA, discussed with Board members the self-study that UNCA is conducting for SACS. The self-study is required of member institutions every 10 years, according to Dr. Browning.

"This is a rather important activity," said Browning. "The self-study has been ongoing now for nearly 2 years. Most faculty, many staff and administrators, and several students have participated in the self-study."

"This particular study is new in that we not only have conducted the traditional compliance self-study; but we have also conducted an enhancement self-study, focusing on student development, and co-curricular opportunities and needs of UNCA."

In addition to the study, UNCA will host a committee of peers from the region, according to Browning. They will come to campus in March 2002, and evaluate how the UNCA meets the criteria for continued accreditation with SACS.

"The committee meeting I attended was open, friendly, and all the Trustees wanted was to be brought up to speed on the status of the self study, when the team is visiting campus, and what might be expected of the Trustees during this period of time," said Browning.

Worker recovers skeletal remains on Riverside Drive

Rae Stephens
Staff Reporter

Skeleton remains were found Oct. 22 in an abandoned lot behind Duyck Construction on Riverside Drive, according to an Oct. 23 Asheville Citizen-Times article.

Construction worker Robin McKinney discovered the bones about 3:30 p.m. while working on a small bulldozer. After working

for about an hour, he backed up the bulldozer and saw something unusual.

Behind the bulldozer lay a skeleton tangled with some grass.

"I got out and poked it with my foot," said McKinney. "I thought it was a ball or something. When I got off the Bobcat, I saw what it was."

McKinney dragged the remains for about 30 feet, but the bones do not seem to be crushed, said police.

Near the skeleton remains, the police found a pair of black shoes, a piece of denim clothing and a few personal items.

"It is hard to tell if it (the skeleton) is complete," said Asheville Police Lt. David Rutledge of the bones.

"There are a fair amount of remains. Nothing at this point leads us to believe that foul play was involved."

Rutledge also pointed out that two homeless camps are within a

mile of the area.

The skeleton could have been there for several months, since the workers rarely go there, according to McKinney. The body was sent to Chapel Hill for an autopsy.

The skeleton has been identified and the family of the deceased has been notified, according to Asheville Detective McKee.

He said that he believed that the skeleton could have been there for several months since the workers rarely go there.



COURTESY OF STEVE DIXON/ASHEVILLE CITIZEN-TIMES

Detective Nathan McKee (left).