

Sanford v. CBS, INC. ("The Girl is Mine" Testimony)
Date confirmed in UPI ("Thursday [December 6, 1984]")

["Jet" magazine \(December 31, 1984\) \(archived\)](#)

Michael Jackson, the world's greatest solo recording artist who once told JET that he doesn't like to take credit for composing songs because God writes music through him, did not steal 'The Girl Is Mine' from a White musician who sued CBS Inc. for \$5 million charging Jackson pilfered the tune from Fred Sanford's song, Please Love Me Now.

A jury of five men, including one Black and a White woman, also found CBS Inc. innocent of copyright infringement in the \$5 million lawsuit.

The jury rejected claims by Sanford, a 32-year-old musician of Schaumburg, Ill.: that Jackson's 'The Girl Is Mine' was plagiarized.

The verdict came after more than 21 hours of deliberation over a three-day period. Jackson, who records for CBS' Epic label, was not a defendant in the case, but testified during the trial to protect his credibility and his career.

Jackson's attorney, James Klenk, credited the singer-songwriter's spirited, personable testimony for the victory. "The man is a genius," said Klenk after the jury's verdict. "He doesn't need anyone else's songs. His own words were the key.

Wesley Rogers, 57, of Chicago the only Black juror, agreed and told JET: "His presentation indicated that he was well able to develop his own songs."

During the trial, the shy superstar entered the courtroom through a back door, wearing a bright rosy-colored beige shirt with a white collar no tie, no sequinned white glove — a sun-shine yellow vest and black slacks.

As he took the witness chair in the 19th floor courtroom of U.S. District Judge Marvin Aspen in Chicago's Dirksen Federal Building, Jackson smiled brightly at the more than 100 spectators who had crowded into the small courtroom. The crowd in-eluded journalists from across the country, curious court buffs and, of course, Michael Jackson fans.

The room was hushed as the world-famous entertainer began nearly four hours of testimony. There were no squeals of delight from the row of teeney boppers sitting in the back pew of the courtroom. All was quiet as Michael Jackson began to testify.

His attorney James Klenk asked, "Mr. Jackson, what is your occupation?"

"Entertainer, singer, dancer, songwriter, actor," Jackson replied in a soft voice.

"How many songs have you written?" Klenk asked. "Would you tell the jury?"

"Oh lots and lots of songs. I never really counted," came the prolific composer's modest answer.

The popular entertainer then revealed how he composed the music which made his Thriller album with sales of more than 35 million copies, the best selling album of all time. "Well, what does most of the time. . .it starts with a melody, and then I will start with the drums and from there I will go into the guitar and to a bass." He continued, "For instance, if you take a song like Beat It, (from the Thriller album). . . I knew I wanted a big drum, African drum sound," he said, demonstrating by hitting on the witness stand. "From there came the guitar part, he said, singing a guitar sound, "derng, derng, derng-derng... You orchestrate all the different parts with that, and you get the musicians and you just tell them the parts," he explained.

Jackson told the jury he does not read or write music, but sings the songs into a tape recorder. "I put them on a tape recorder and I orally sing them into the tape, and that's how it happens," he allowed.

Apparently surprised, Sanford's attorney, Jerold Jacover, asked as he cross-examined Jackson: "So, if I gave you a piece of sheet music, you wouldn't be able to play that on the piano?"

Jackson: "No."

Jacover: "Would you be able to play that music on any other musical instrument from a sheet of music?"

Jackson: "I could play the chords, those two chords, but the way in which I write, I don't read music."

Jacover later asked: "If I gave you a piece of sheet music to a song which you have never heard before, would you be able to sing it off the sheet music?"

Jackson said, "No."

Throughout his testimony, Jackson who says he is shy, was asked to speak louder. "Okay, I'm trying", he said politely at one point.

"Now, Mr. Jackson," said Klenk, "I would like Fen to tell the jury who wrote 'The Girl Is Mine'?"

"I wrote 'The Girl Is Mine'," he answered with certainty in a soft, but clear voice.

He recalled how producer Quincy Jones, who also testified in the trial, encouraged him to write the popular tune. "It started with Quincy Jones asking me to write a song about two guys quarreling over the same girl and I thought about it and I came up with the song, 'The Girl Is Mine'", Jackson explained.

He then revealed, as the spectators sat at rapt attention in their seats, how he was inspired to write the song. "I woke up from my sleep and I had this song, and I went over to the tape recorder and I sang it into the tape recorder and I sang exactly what I heard in my head, starting with the melody and the keyboard and the strings and everything. So, I just orally put it all on tape."

Klenk played a tape of Jackson composing the song. "Let the song create itself," Jackson was heard saying on the tape. "Let it tell you where to go."

Jackson's moving testimony turned into a classroom lesson on songwriting and provided a rare glimpse into the personality of the dynamic entertainer. For although he is soft spoken and shy, he is confident and believes in his talent, his music and his excellent business sense.

"Songs are spiritual things," he told the courtroom. "They create themselves as if you are not doing it, as if it is there already. It's very spiritual." He continued, "It reminds me of a writer by the name of L. Frank Baum, who wrote the original Wizard of Oz story...He said one day he was sitting reading to his grandchildren and he got an idea and he ran up the stairs and he wrote The Oz story. He said it recreated itself as if the pen was moving all by itself. It just happened and when I read that, it reminded me of my songwriting," said Jackson. "It is very spiritual like that."

He recalled that he recorded the demonstration tape of the tune at the Allen Zentz Studio in Los Angeles. "I wanted to have a real nice sounding tape and, to do nice strings, you need a good wooden floor and a good ceiling, and so I decided I would use Allen Zentz."

Jackson said he never heard Sanford's song before he recorded 'The Girl Is Mine'.

"Have you ever heard the song 'Please Love Me Now', Klen asked the entertainer.

Jackson: "Yes."

Klenk: "And when did you hear that song?"

Jackson: "Recently."

Klenk: "Was it after this lawsuit was filed?"

Jackson: "Yes, after the lawsuit was filed."

Klenk: "Had you ever heard that song before this lawsuit was filed?"

Jackson: "No."

Jackson said Paul McCartney arrived for the actual recording session at the Westlake Studios in Los Angeles with his personal movie crew to film the historic session. "He filmed most of the session," Jackson told the jury. "He had a film crew there, lighting crew, cameraman.

Christopher Cross stopped by. Dick Clark came in, Lionel Richie came in, the engineer, Quincy Jones, my sister (LaToya) came; my mother came. There was a lot of traffic," he said, smiling.

Jackson remembered how producer Jones suggested that a rap be included "Quincy called me up one morning and says, 'Smelly,' he calls me Smelly," Jackson smiled as the courtroom spectators chuckled. "He called me up," he continued, "and he said, 'Smelly, we have to have some rapping in this', to complete the composition. I said, 'Oh, that's a good idea.'"

The courtroom was silent as Klenk played a tape of the popular tune, which sold 1.3 million single copies. As Jackson's tenor voice filled the courtroom, a mother holding her son in her lap rocked from side to side to the familiar beat. A little Black girl with pigtails raised her head high to get a glimpse of her idol. Jackson occasionally sang along with the tape, snapping his fingers, rocking back and forth, twirling in his seat as he turned the courtroom into his stage.

"Who wrote that song?", Klenk asked, after the tape had played.

"I did," Jackson answered.

Klenk: "Do you hear any of the music that you used in 'The Girl Is Mine' in your other works?"

Jackson: "Oh, yes, lots of other songs... They are mainly the same chords that I use in so many...of my songs in the past, that I have written. 'That's What You Get for Being Polite' is one. Others would be, 'Why Can't I Be', 'Thank You For Life', all these have the main—the same type of chords as 'The Girl Is Mine'."

Jackson continued: "I don't play a lot of piano, I mainly compose in my head. When I do go to the piano, it is mainly two chords that I play and that dictated the different songs that I have written in the past."

Michael then proved how many of his songs have similar chords by singing the words to 'The Girl Is Mine' to an instrumental version of 'That's What You Get For Being Polite'. The tune was included on the 1978 hit album "Destiny". Klenk played other songs with similar chords dating back about 10 years ago that have not yet been released by Jackson.

Asked why he hadn't released some of the tunes, Jackson explained: "I write all the time. I have so many songs, and another song will come along and beat it out; not that those aren't good enough to release, because I am going to do those in the future, but it's just I get more excited about the next one and then the next one."

Jackson named other songs he had written that he feels are "just as strong or stronger than the stuff that was on the Thriller album," including "The Toy". "Quincy wanted me to write a song for the movie with Richard Pryor, 'The Toy', and it got too close to my doing 'Thriller'. So I canned it, but I did write the song and I did a demo of 'The Toy'."

Jackson, who started his recording career as a youngster with Steel Town Record Company and later with Motown Records, has proven to be a shrewd businessman. Reportedly worth in excess of \$70 million, his testimony revealed his varied multi-million dollar business enterprises, which include publishing and production firms.

"What is that, Mr. Jackson," Klenk asked as he handed Jackson a contract.

Jackson: "It's Vincent Price's contract to do the narration of the song 'Thriller'."

Klenk: "Is that your signature on the last page of the document?"

Jackson: "Yes."

Klenk: "And who is this contract with of Mr. Price's."

Jackson: "M. J. Productions. . . It is a production company, Michael Jackson Production Company."

Klenk: "What is Mijac Music?"

Jackson: "It is my publishing company."

Klenk: "Does Mijac Music hold the copyright to 'The Girl Is Mine'?"

Jackson: "Yes."

After his four-hour testimony, Jackson immediately departed for his home in Encino, Calif.

["No.1" magazine \(1985\)](#)

On December 6, 1984, Michael Jackson appears in the U.S. District Court in Chicago.

A local songwriter, Fred Sanford, has accused Michael of lifting his composition with Paul McCartney, "The Girl is Mine", from a Sanford song called "Please Love Me Now".

And Sanford is demanding five million dollars compensation. Incredibly, for a star of his status, Michael elects to appear in court to defend himself.

He plays demo tapes from the witness stand, frequently singing along or tapping his fingers in time. And he explains to the court how he and McCartney composed the song.

"I woke up from my sleep and I had this song and... I sang it into the tape recorder", he tells the court. "I sang exactly what I heard in my head, starting with the melody and the keyboard and the strings and everything. So, I just orally put it all on tape.

"I've created songs on airplanes, walking down Main Street at Disneyland.

"They just come out of nowhere."

Michael gives over four hours of testimony over two days. An extraordinary performance for a "recluse".

And he won the case.

But did he have to appear?

Could his lawyers not have argued just as effectively on his behalf?

Don McLeese, a music reporter on "The Chicago Sun Times", is in no doubt.

"There were enough similarities between the songs that he might have lost the case", Don told No. 1. "Most people in that courtroom thought that it was his testimony that won it.

"There was a lot of money involved."

So, Michael Jackson is a shrewd businessman?

"Oh sure, yeah. But I also think pride comes into it. He'd written that song and he was very proud of it. He didn't want anyone saying that he'd stolen it."

Outside the court, Michael answers local reporter Mary Gallagher's enquiry about his after-shave with a grin. He is wearing Giorgio, he says. But more significantly, he wears neither his shades nor his trademarked white sequin gloves in court.

[UPI \(December 6, 1984\)](#)

Superstar Michael Jackson sang, clapped and drummed a witness stand in court Thursday in a \$5 million suit brought by a musician who says he -- not Jackson -- wrote the hit song 'The Girl Is Mine.'

'Yes, I wrote 'The Girl is Mine,' Jackson told a six-member jury hearing the copyright infringement suit against CBS Records by Fred Sanford, 32, of Schaumburg, Ill.

Sanford said he wrote a song in 1981 called 'Please Love Me Now,' and gave a recording of it to a CBS Records promoter in March 1982. He said he was told the tape would be sent to California for possible use by CBS recording artists.

But he said 'Please Love Me Now' was stolen from him and turned into 'The Girl Is Mine.' Jackson is not a defendant.

Jackson's interior decorator testified in the courtroom jammed with spectators and reporters that she heard Jackson humming the tune from 'The Girl is Mine' while she was working at his California mansion in 1981 and that Jackson told her he was writing a duet to be recorded with Paul McCartney.

Sanford, who testified he tried to find out what happened to his song after giving CBS the tape, said he first heard 'The Girl is Mine' on a television program in December 1982.

Jackson, who was brought into the courtroom from a back entrance to avoid the throngs of people waiting to catch a glimpse of him, said he did not know the date the song was conceived. 'I don't have a good memory for dates,' Jackson, wearing a red-and-white checkered shirt with a white collar and no tie, told the jury and U.S. District Judge Marvin E. Aspen.

But he said the song from the album 'Thriller' was inspired by music producer Quincy Jones.

'It started with Quincy Jones asking me to write a song about two guys courting the same girl, and I thought about it and I came up with 'The Girl Is Mine,' Jackson said.

'I woke up one morning and I had the melody and I put it on tape,' Jackson said.

'Thriller' was recorded for Epic Records, a branch of CBS, and has sold 30 million copies for \$100 million, making it the largest selling record in history.

Jackson sang verses of 'The Girl is Mine,' clapped and drummed beats on the podium of the witness stand and CBS attorneys played demonstration tapes of the song for the jury. Two Jackson songs never recorded were also played as Jackson rocked and bounced in the stand. Jackson, who said he does not read music, testified after taping the melody he added words and then instrumentation to the song.

'You don't write the song,' he said. 'The song does what it wants to do. Let the song tell you where it wants to go. You just don't force it. It works, or happens, without you really trying to think about it.'

Chris Cadman, author. "Michael Jackson the Maestro"

A demo clip of ["Somewhere in Time"] was played in his Fred Sanford, The Girl Is Mine court case in December, 1984.