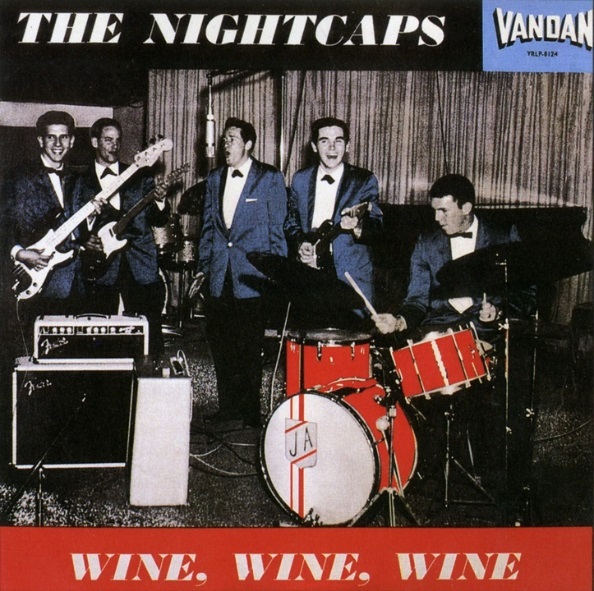
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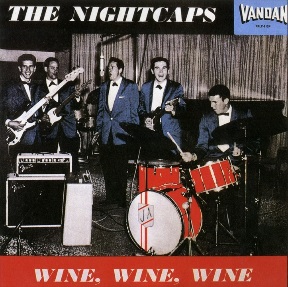
**Remembering the Nightcaps**

**Jack Allday**

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9,607 Words

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***REMEMBERING THE NIGHTCAPS***

Jack Allday

9,991 Words

I’d like to tell you about a band. Not just any band, but one that left an indelible mark on Texas, many Texas musicians, and untold numbers of listeners, fans, and admirers. That band was the Nightcaps.

The Nightcaps started making a name for themselves almost from the band’s inception, in Dallas back in 1958. Nearly 60 years later, four of the original five Nightcaps have died, all in their 70s, all within about three years of each other, all too young. As the last Nightcap standing, I can assure you that all five of us were surprised that the band’s impact still resonated years later, when we were well into our senior years. That what would by today’s standards might be considered a garage band could leave such a legacy had simply never occurred to us. We had taken it all for granted—the trailblazing nature of our music, how much fun we were having, the money we made, our popularity.

The band’s journey makes for an interesting story. And since I am the only Nightcap left to tell it, that’s what I am going to do. Here and now—before I too join my former bandmates somewhere down the road.

**The Jesuit Connection**

In 1958 Billy Joe Shine, Gene Haufler, and Mario Daboub were juniors at Dallas’s old Jesuit High School. Located on Oak Lawn Avenue across from Holy Trinity Catholic Church, the Jesuit of those days was nothing like the sprawling, sparkling Inwood Road campus of today’s Jesuit College Preparatory School. I remember, while playing on the legendary Highland Park High School football team that won the 1957 Texas state championship, scrimmaging Jesuit on its football field. “Field,” however, is a misnomer. Nowhere in sight was there any grass, or even anything green. As we crashed into each another, it was more like playing football in a sand storm.

Basketball at Jesuit also had its challenges. One afternoon we played a practice game in the school’s dark, cramped gymnasium. The gym was located on an upper floor of the school’s single, multistory building. This was the one and only time I ever played in, attended, or heard about a basketball game in a gym that was “upstairs.” The court was so shoehorned into the available space that the out-of-bounds line on the south side was maybe 18 inches from the gym’s old brick wall. Throw-ins were akin to trying to change clothes in a phone booth. I also recall that the game was officiated by two priests, each racing up and down the court in full priest’s garments, serious looks on their faces, and whistles dangling from their necks. Even as a teenager, I remember thinking at the time that the whole experience was out of the norm—

at least out of *my* norm. If I’d had the vocabulary then I have today, a better word I might have used would have been *surreal*.

In spite of its mysterious, foreboding look and feel, Jesuit, like most Catholic schools then and today, turned out extremely well-educated graduates. Shine, Haufler, and Daboub were no exceptions.

Billy Joe never played, or attempted to play, a musical instrument. He dabbled in song writing, but mostly he was a singer. He loved to sing and, though not blessed with a particularly unique voice, his delivery was honest and exuberant. He had great stage presence and, like my idol Louis Armstrong, was always happiest when performing. Billy Joe was a joyful soul, and that joy was always evident when he was on stage.

Billy Joe’s large family was Irish Catholic from head-to-toe, with multiple brothers and sisters. If I remember correctly, one brother joined the priesthood. The Shines lived in a quiet neighborhood near the intersection of Travis and Fitzhugh, less than a mile from the Jesuit campus. There was always activity in and around the Shine home, with Billy Joe and his siblings coming and going while his stoic father directed traffic. If a film based on the Shines had been made, Peter O’Toole would have been perfect as the senior Shine. A young Gabriel Byrne would have fit the part of Billy Joe to a tee.

Over time, Billy Joe became the face and spiritual center of the Nightcaps. Had there been no Billy Joe Shine, there simply would not nor could have been the Nightcaps. Billy Joe was kind, charismatic, focused, uncomplicated, adventurous, honest, and one of the sweetest guys I ever knew.

Of Lebanese heritage, Mario was blessed with dark good looks. His family (Mario had two brothers) owned and operated the old Pioneer Cleaning & Laundry, on McKinney Avenue just north of downtown Dallas. Mario was much smarter than I realized at the time—he went on to graduate from the University of North Texas, earned a graduate degree, and spent his career working in university administration. He was a solid if unexceptional bass player, his time was dependable and, like Billy Joe, he had good stage presence. Mario had a gentle nature and was, unsurprisingly, something of a ladies man.

Gene, who played rhythm guitar, was second-generation German. Everyone called Gene’s father “Chief,” as he was the chief engineer at the big Sears Roebuck building on Lamar. Chief came right out of Central Casting and could have played the part of the guy in charge of the U-boat engine room in a World War II movie. (“More power, Chief.” “She’s givin’ all she’s got, Herr Capi-tan.”) Chief grilled in the Haufler back yard almost every weekend and knew what he was doing around a barbecue pit. I always got the impression that Chief and Gene did their thing, while Mrs. Haufler and Gene’s sister, Ann, did theirs. Gene was a lot like his father—smart, mechanical (could fix anything), abrupt, a little bit mischievous, and saw the world mostly in black and white. There was nothing subtle about Gene Haufler.

Most importantly, Gene was a first-rate rhythm guitarist. Playing rhythm guitar is not as

easy as it might appear and is too often an unappreciated skill. Most of the limelight goes to the lead guitar players, with their runs and antics and theatrics. A good rhythm guitar player, though, must master a wide variety of chords, listen to and be acutely aware of what others in the band are doing, and have a good sense of time. Gene had all of those attributes. His flawless time was especially important given the many *shuffles* our band played. (More about that later.)

Needing a lead guitar player, these three Jesuit kids found David Swartz, who was attending nearby North Dallas High School. Though David and I played together for several years, I never knew much about him, other than that his father was a minister and was a Dallas Police Department Chaplain. To me, it always seemed as though David came from a somewhat sheltered environment. He would often marvel at some of the places and things the band would see, do, and experience as we traveled around the Southwest. He was naïve, but in a refreshing way. His primary means of expression was his guitar, and he was also a good harmonica player. David was naturally talented, and his playing could be at once both bold and nuanced. Often he and Gene would take turns taking solos, and when it was David’s turn to play rhythm behind Gene, his chording was always full, supportive, and interesting. David was very musical and, whether by accident or design, finding him was a stroke of good luck, if not fate, for the Nightcaps.

A few years later, when David left the band to enter the U.S. Coast Guard, he was replaced by Gary Mears. More jazz-influenced than the heavily blues-focused Swartz, Mears played the classic hollow-body Gibson guitar favored by most jazz musicians. Swartz’s instrument was the popular, solid-body Fender Stratocaster, which had been introduced in 1954. An excellent musician, the exceedingly eccentric Mears had been with the Original Casuals, recording the regional hit “So Tough.” His presence and style did not change the nature or sound of the Nightcaps in any significant way.

Somewhere between 1958 and when I came along in 1959, the band had found a drummer. I never knew his name or how he played or anything about him. For whatever reason, his tenure with the band was short-lived. All I know is that during my last semester in high school I got a phone call from either Billy Joe or Gene asking if I would consider joining the Nightcaps.

I had started playing the drums in 1956, when I turned 15. Being a three-sport letterman, however, athletics meant I had no time for music lessons, and not much time for music. I was a good drummer, but a very raw and unpolished one. (Tip to aspiring young drummers: find a good teacher, take lessons, and *practice, practice, practice*).

My mother was a wonderful, two-fisted, self-taught piano player, and from her I

Inherited whatever musical talent I have. (Oh how I wish I had her time). Some of us had organized a high school band called the Atmospheres that had a modest regional hit, “The Fickle Chicken,” recorded on Joe Leonard’s Gainesville, Texas-based Lin Records label. The Atmospheres first gig was a private party at the Spanish Village, an popular Mexican food restaurant on Cedar Springs, near the Melrose Hotel. We played a couple of hours and then the hostess walked up and handed us some cash, which we split amongst ourselves. This turned out to be one of the most magical moments of my life, a true epiphany: *You mean I can do something that’s this much fun and get paid for it?* I was, and remain to this day, hooked.

In any event, I had never heard of the Nightcaps. However, under the heading of “nothing ventured nothing gained,” I met the guys at Gene’s house, on Ravendale not too far from the old Dr Pepper Bottling Company on Mockingbird Lane at Greenville Avenue. We played a few tunes together, it all felt good, that was it. I was a Nightcap.

We began playing gigs together, recorded “Wine Wine Wine,” things started moving along at a rapid clip, and the rest, as they say, *is history*.

**“Wine Wine Wine”**

If the Nightcaps’ popularity was initially confined to what we call today the Metroplex, that all changed in 1959 with the release of the band’s first single, “Wine Wine Wine.” A year later we released another single “Thunderbird.” Our album, also titled “Wine Wine Wine,” was released in 1961. I believe the studio where we recorded “Wine” was called Pam’s. It is, of course, long gone. I remember it being located at the corner of McKinney and Knox. The building that housed the small studio has been home to Chuy’s Tex-Mex restaurant for many years.

Most listeners wouldn’t know that the tenor sax solo on “Wine” was played by Jesse Lopez, younger brother of Trini Lopez. Jesse, who was in high school at the time we recorded “Wine,” enjoyed a successful career in music, later working for many years on cruise ships. We also used a good piano player on the recording. He wasn’t a Dallasite and I have no idea how we found him. I forgot his name long ago.

The album, which included a total of 12 tunes, was recorded in the cavernous Fair Park studio at what was then Radio WRR AM. (WRR is still located there today). Though WRR had only an AM signal in those days, for many years the city-owned station has been FM-only, with an all classical format. We gathered at WRR late one night and recorded straight through until sunup.

A WRR disc jockey named Bob Kelly produced the album. Another WRR DJ, Bill “Hoss” Carroll, wrote the liner notes.

The sax player was a wonderful musician named John Hardee. We used the pseudonym “John Hardtimes” on the album because John, for whatever reason, didn’t want his bosses at the Dallas Independent School District to know he was recording (he was band director at one of the all-the black Dallas high schools). Perhaps the fact that the album would be titled “Wine Wine Wine” had something to do with John’s reluctance. Originally from Corsicana, John had been a first-call player in New York City, and played with both the Count Basie and Duke Ellington orchestras. He moved back to Dallas when he was in his late thirties. For some reason, John played an alto saxophone on the album. His “Texas Tenor” tone is so rich, however, you have to listen closely to realize he’s playing an alto and not the larger tenor sax. John worked a number of gigs with the band and was not only a world-class musician but a tremendous guy. He died in 1984 at the age of 66.

Kelly had WRR’s midnight-to-5:00 am show. He recalled, in a 2004 interview for a WRR electronic newsletter, that we came to the station about 1:00 am and Carroll would watch the board for him while he oversaw the recording. My recollection is that we did the entire album in that one night. Kelly remembers “three or four nights, for three or four hours.” He says the sessions were recorded on “Ampex full track—there was no stereo except maybe at the most modern, big-time recording studios—so it was mono at 15 ips (inches per second).” He says he didn’t use a reverb unit of any kind because “the room was so live . . . . I just put an extra mic on the boom up high and let the natural acoustics of the room be the echo. I had a Telefunken mic for the voice, and that was by far the best mic available for recording. Most of the other mics for the instruments were Shure mics.”

Somehow we managed to record ten tunes in about six hours, including one, “Thunderbird,” which we released as a single. (Again, I don’t recall recording over several nights. Kelly or I one has a faulty memory.) When I listen to the album today, I am always surprised that we managed to lay down all of that music in such a short time. I am also gratified that, generally speaking, the quality of the music still holds up today.

There are a couple of ironies associated with “Wine Wine Wine.” The first is that the record was considered so “edgy” that, other than WRR, no Dallas radio station would play it. The chorus has a lyric, “Get it on, get it on, all night long” that was just too suggestive for the Dallas of that era. Remember, when Elvis Presley first appeared on the Ed Sullivan Show in 1956, the producers made the decision to focus the camera on him only from the waist up. The way Elvis moved his hips was, like our “get it on all night long” lyric, not suitable for teenage eyes or ears. And musicologist Joe Nick Patoski wrote that the lyrics for “Thunderbird,” which was released soon after “Wine Wine Wine,” were “downright sinful for 1962.” The tune, Patoski wrote, “celebrated kids from Texas getting high, on wine no less.” WRR, however, had a late night show called “Kat’s Karavan” that was hosted by Big Jim Lowe (the longtime voice of the Texas State Fair’s “Big Tex”) and, also with some frequency, Hoss Carroll. The show aired from 10:30 pm until midnight, six nights a week. Requests were taken by mail only. And “Wine Wine Wine” was played on the show every night, often more than once. So to hear “Wine Wine Wine” back then you had to either buy the record or tune in to “Kat’s Karavan.” This had the effect of making the song, and the band, just controversial enough to dramatically boost the popularity of both.

The second irony is that “Wine Wine Wine” is not, musically speaking, the kind of music the Nightcaps typically played. “Wine” is well within the rock ‘n roll genre. And though we played some rock ‘n roll material, our claim to fame was based on “white boys playing the music of black musicians.” Shuffles like “Thunderbird” were much more vintage Nightcaps. Yet there is no question that the Nightcaps, then and now, will always be known for “Wine Wine Wine.”

Finally, and this is not so much ironic as simply another example of “life’s not fair,” neither the single nor the album ever sold in anywhere near the quantity they should have. The reason is that our record label, Vandan, was undercapitalized. So demand always seemed to exceed production and distribution. Vandan was owned by a man named Tom Brown. A neophyte in the rough and tumble record business, Brown did the best he could. However, he cost us dearly by failing to see that production kept up with demand, as well as neglecting to copyright our second hit, “Thunderbird.”

We received very little money from the sale of any of the singles we cut, or the album. Our records paid off, however, because they led to more work, for more money. Along with a good job at Town North YMCA, the Nightcaps put me through SMU which, even then, was the most expensive university in Texas. If the Nightcaps had come along today, the band’s financial fortunes would almost certainly be wildly different. But that was then. This is now.

**Rhythm and Blues**

From around 1920 until the end of World War II, America’s popular music was primarily jazz. After the war, for reasons that included the prohibitive cost of supporting big bands and the complexity of a new iteration of jazz known as be-bop, American popular music entered a sort of vacuum. FM radio had not yet been launched, and music on AM stations featured mild-mannered artists such as Mitch Miller, Patti Page, Teresa Brewer, and the Four Lads. That began to change in 1955 with the release of “Rock Around the Clock,” by Bill Haley and the Comets, and the emergence of Elvis Presley a year or so later. In 1958, though, when the Nightcaps were forming, rock ‘n roll was still in its infancy and still pretty much dominated by white artists such as Pat Boone, Ricky Nelson, Frankie Avalon, and the emerging Elvis Presley.

Around this time, the Platters, Coasters, and musicians such as Chuck Berry and Fats Domino had begun to introduce black artists to the larger white audience that dominated AM radio. That trend continued to gain steam, and by the early 1960s, black-influenced rock ‘n roll was starting to fill the post-jazz vacuum. The advent of FM radio accelerated that trend.

The Nightcaps, however, were never really a rock ‘n roll band. The group had, from its inception, been attracted to black blues artists such as B.B. King, Bobby Blue Bland, Little Junior Parker, Elmo James, Muddy Waters, Jimmy Reed, Little Willie John, Ruth Brown, Ray Charles, and the like. We listened to, loved, and appreciated the records of these blues-based artists. These and other black musicians had been performing mostly outside hearing distance of the pre-integration white world. Mostly they toured and played for black audiences on what was known as the Chitlin’ Circuit. Only one Dallas radio station—KNOK AM—played much of their music, which was recorded on secondary labels such as Peacock, Backbeat, and Songbird. Every serious musician will tell you who inspired him or her when they first began to play. For the Nightcaps, it was these Chitlin’ Circuit men and women and their authentic, earthy, exhilarating approach to playing what was, basically, the blues. Their music was addictive, and the Nightcaps were addicted.

The band also spent hours and hours parked, well into the evening, behind a Dallas joint on Mockingbird Lane called Jimmy’s Club. (We were too young to be admitted.) Located behind Roscoe White’s Corral restaurant, where the band often hung out before and after gigs, Jimmy’s featured two bands on a regular basis. One was Joe Ramirez and the Jumping Jacks, a popular push band that for some reason never captured the imagination of the Nightcaps. The other was a black band under the leadership of a flamboyant entertainer named Crazy Legs Roy. (I believe Crazy Leg’s last name, which he never used on stage, was Bell.) Crazy Legs got his name because of his propensity to begin running in place during his guitar solos. He would lift his legs high in the air, like the ceremonial marching of soldiers in some third world country, and you got the feeling he was about to jog right off the stage and on out of the club. It was a good shtick, as was his ability to play his guitar behind his back. His band played the music of those same Chitlin’ Circuit artists we followed, and there is no question that the way Crazy Legs’s band approached the music influenced the music we were learning to play.

Jimmy’s, incidentally, was what musicians of a certain era would call a “grab ‘em and stab ‘em place.” There were bar fights, and the police were called to Jimmy’s on numerous occasions. Once, around midnight, I saw two women in front of the club fighting. I had seen my share of fist fights, but none involved women. As I watched, one began to get the best of the other, pummeling her opponent with the spiked heel of a pump she had removed from her foot and turned into a lethal weapon. Then, whether from battle fatigue or sobering up, she decided to change strategy. Spotting a large garbage can nearby, she picked up her adversary, hoisted her into the air, and stuffed her neatly into the receptacle. About that time several squad cars showed up, it was past my curfew, and I headed home.

Even though integration had not really gained traction when the Nightcaps were making our mark, several black musicians routinely played with us. Leo “Fuzz” Phillips and Bobby Chapman played tenor sax with us, as did the aforementioned John Hardee. When we needed a sub on bass, we often called Booker T. Avahart. The owner of Avahart’s Motel in South Dallas, Booker T. had a rhetorical style that focused on asking questions. Once he was in his car following some of us in my car, trying to find the gig. After I had made a couple of U-turns, Booker T. pulled up next to me, rolled down his window, and said, “Hey Jack, don’t you think we’re lost?” That was Booker T. (Avahart also had a pilot’s license. Go figure.)

It is important to note that, though we were influenced by black blues artists, the Nightcaps did not really copy anyone. We never did “covers” of other bands, black or white. Never played a lot of Beatles tunes. Even when we did tunes Elvis was turning into hits, we did them “our way.” If there was an exception, it was probably Jimmy Reed, whose music was so simple that there was only one way to play it. We backed Reed several times when he came to Dallas to play Louann’s Club. If you ever heard the rumor that Reed’s wife stood offstage and whispered a song’s lyrics to him, it’s no rumor. Reed would always position himself, not at stage center, where most acts perform, but off to one side. Within easy hearing distance of him, but just out of sight, his wife would station herself. The lyrics to most Reed tunes were incredibly simple: “Going up, going down, going up down down up any way you want me . . . . ” For whatever reason, Reed was more comfortable with the words being fed to him, one phrase at a time, by his wife.

We were adamant about not being a rock ‘n roll band. Rock ‘n roll was, to us, sort of the white man’s perversion of the black man’s music. That’s probably simplistic and more than a little unfair. And the record that pretty much made the Nightcaps, “Wine Wine Wine,” is certainly well within the rock ‘n roll genre. The one thing the Nightcaps did that no other white band had done, and even black bands were not doing with the same emphasis or consistency, was emphasize the *shuffle*.

The shuffle is a distinctive rhythm pattern based on eighth notes, but those notes played with a triplets feel. I am not musically trained enough to describe a shuffle in technical terms. Nevertheless, if you think of a person walking--1-2-3-4, left right left right—that would be equivalent to straight time, with the backbeat on steps 2 and 4. Now think of that same person not walking, but *skipping* –1 *da*-2 *da*-3 *da*- 4 *da,* left *ah* right *ah* left *ah* right *ah*—with the backbeat still on 2 and 4. Or if you prefer, substitute “gallop” for “skip.” And that’s a shuffle.

The magic of the shuffle, which jazz great Wynton Marsalis calls the “perfect rhythm,” is that it just naturally *swings*. Play “Happy Birthday” or “Twinkle Twinkle Little Star” as a shuffle, and it will swing. A happy side effect—and this was one reason the Nightcaps were such an in-demand party band—is the shuffle is *easy to dance to*. And the Nightcaps played a firm serious, take-no-prisoners brand of shuffle, emphasizing all the notes and, especially, the 2 and 4 of the backbeat. For this I will take most credit, though I can assure you that at the time I had no idea I was doing anything different or important or memorable. What we were doing was, though, different—so distinctive that it came to be known as the “Texas Shuffle.” I will never forget meeting, years ago, the great Dallas blues guitarist B’nois King, who spent much of his career with the late Smokin’ Joe Kubek. When it was revealed that I had been one of the original Nightcaps, King brightened and said, “Oh, you guys invented the Texas Shuffle!” Doesn’t quite rise to the level of the polio vaccine, but I’ll take it.

So if we weren’t a rock ‘n roll band, what were we?

*A rhythm and blues band.*

That’s how we were positioned and, as they say today, branded. We even put it on our band’s letterhead: The Nightcaps – *The Southwest’s Favorite Rhythm and Blues Band*.

**Competition**

There were not nearly the number of bands playing in and around Dallas in the early ‘60s as there are today. My Highland Park classmate, friend and drummer Banks Dimon was with a band called the Jokers. Guitarist Jack Calmes, who grew up down the street from me, had a band called the Jades. The entrepreneurial Calmes went on to start a highly successful company, called Showco, that provided at-venue sound equipment for touring bands. The Casuals, which later became Kenny and the Casuals, was a good band. Mario Martinez, who founded Mariano’s restaurant and is credited with inventing the frozen margarita, played in various bands. The founder of Chili’s, Larry Levine, played the drums in local bands.

And then there were the Marksmen, which was made up of students at Dallas’s elite St. Mark’s School. The band included guitarist Steve Miller, his brother Buddy playing Fender electric bass, drummer Baron Cass, and singer Boz Skaggs. Miller and Skaggs, of course, went on to extraordinary fame and fortune. I think the actor Tommy Lee Jones was also at St. Marks around that time.

One summer Miller, who was still in high school while I was at SMU, and I auditioned with a band fronted by Wichita Falls barber, guitarist and singer Kenny Brewer. Called Kenny and the Volcanoes, the band was about to go on the road for an extensive summer tour and was looking for both a bass player and a drummer. Steve, who could also play bass, and I drove to Wichita Falls to play two nights with Kenny’s band at the Sheppard Air Force Base NCO Club. I remember three things about that adventure. First, Steve drove like a mad man, and we made the 150-miles post-midnight trip from Wichita Falls back to Dallas in well under two hours. Second, Kenny didn’t think Steve was quite ready to be a Volcano and instead hired Dallas bassist Sammy Sams. Third, I made the cut and did the tour with Kenny and the Volcanoes. The geographically challenged itinerary included playing an air base in Minot, North Dakota, followed two nights later by a gig at another base in Laredo, Texas. (Check the map.)

In total, I did four tours with three different bands, including the Volcanoes, over three summers and one spring. (I had dropped out of SMU for a semester to tour with a dance and show band when my statistics teacher, after handing me my F, suggested I “find Jesus or get married.”) For a college kid, touring the country with bands was certainly fun. I remember thinking, though, that this was something I would not want to be doing for a career.

**Places to Play**

The Catholic Church was instrumental in getting the Nightcaps up and running. The Catholic Youth Organization (CYO) had dances almost every weekend. We might play Friday night at Holy Trinity, Saturday at St. Monica’s, Sunday at Christ the King. I can’t remember exactly what we got paid, but I think the five of us split $50. That $10 may not sound like much, but a 1959 dollar would be worth closer to ten dollars today. And in 1959, a gallon of gas cost a quarter, a loaf of bread 20 cents, and a first class postage stamp four cents. I just know that I always had money in my pocket. By the time I graduated from high school, my dad was pretty much out of bullets, and I had two college alternatives. I could go to a school like Sul Ross or East Texas State on an athletics scholarship, which would have meant leaving the Nightcaps and music behind. Or I could stay in Dallas, live at home, keep playing with the Nightcaps, and pay my way through SMU. I loved baseball as much as I loved music, and was torn between two paths: catching and drumming. After much deliberation I followed the poet Robert Frost and “took the one less traveled by, and that has made all the difference.” The Nightcaps and SMU it was. It was the right choice.

The CYO dances were fun, and helped us develop a growing base of fans that followed and supported us. Though the crowds were well-behaved, I will never forget one night at Holy Trinity when a kid who would go on to become a career criminal came rushing toward the stage, with several priests hot on his tail. As the crowd parted, the perpetrator leaped up on the stage. The other Nightcaps dropped their instruments and scattered. I was sure, though, that if I moved away from my drums, they would get damaged in the melee that was sure to come. So I stood my ground as this kid and the priests raced around me, and my drums, to the rear of the stage. There was a curtain across the back of the stage, and the future Clyde Barrow somehow thought it would be a good idea to duck behind it. Apparently he believed that, like an ostrich sticking his head in the ground, once behind the curtain he’d be invisible and out of harm’s way. The priests, of course, knew better, and now had him cornered. They proceeded to wrap the curtain around this kid in such a way that he was almost totally immobilized, like a hockey player whose opponent has managed to pull his jersey up over his arms. The priests then spent the next several minutes, not without some sense of satisfaction, beating the holy hell out of the immobilized trouble-maker. Prior to that night I had not known that men of the cloth could also know how to win a street fight. Those Holy Trinity priests were something to behold.

Though we continued to be featured at CYO dances, we also began to play parties at local high schools, particularly Thomas Jefferson, Bryan Adams, Hillcrest, Woodrow Wilson, and Highland Park. We played shows at Louann’s, dances at the Harry Stone Recreation Center, and parties at literally every country club and major hotel in North Texas. The legendary disc jockey Ron Chapman, who then went by the name Irving Harrigan, would host sock-hops featuring the Nightcaps at the Cedar Canyon Catering Club. When I got to SMU, I pledged Kappa Sigma. The Kappa Sigs had keg parties, with the Nightcaps playing, on countless Friday afternoons. (It didn’t hurt that I was the fraternity’s Social Chairman.) We also began to play for colleges, and in those years appeared at every school in the old Southwest Conference other than the University of Arkansas. We played all over Texas, Oklahoma, and Louisiana. I remember playing a TV show on, I believe, KTVT Channel 11 called “Panther a Go Go,” filmed at Panther Hall in Ft. Worth.

One year we were one of four bands hired to play an all-night party as part of the annual University of Texas vs Oklahoma University football game. Always scheduled during the Texas State Fair and played at the Cotton Bowl then as now, the weekend began on Friday night when college kids from Norman and Austin rolled into Dallas. Things always got raucous, with lots of arrests for public intoxication. One year, in an effort to control the situation, the two universities rented the Dallas Municipal Auditorium and assigned one level of the two-level building to University of Texas students, and the other to those from Oklahoma Uniersity. Featuring four bands—two for each level—the music was nonstop. Kids were allowed to drink as much as they wanted. Those who had too much were dragged ouside and allowed to sleep it off in an adjacent grassy area.

I will never forget playing a party at the old Austin Patio Dude Ranch. When we arrived it was pouring down rain. As we started carrying our instruments inside we noticed that, though the big hall was filled with people, the only sound we could hear was the rain on the tin roof. Turns out we had been booked to play for a convention of the deaf, and to our surprise, the crowd loved us. With our amplifiers and drums, they were acutely aware of the vibrations we produced, and filled the dance floor all night. They also loved long drum solos, again because of the vibrations, and would throw money on the stage when I played.

We also would occasionally back big-name acts that would come to Dallas. I recall playing with Sonny & Cher at the State Fair Music Hall. We had a short rehearsal with their music director that afternoon, then played to a packed house that night. Sonny was a small man who looked almost emaciated. Cher was into her Indian motif, her jet black hair pulled back in a ponytail and a single colorful feather rising from a head band like an obelisk. She looked like Hiawatha, but with better stage presence.

We did the same kind of a show with the Mama’s and the Papa’s.

I also remember backing Lightning Hopkins, at Lou Ann’s, as well as a singer who had some best-selling records named Ben E. King.

If there was a club, organization, venue, or event of any kind that hired rock bands in the 1960s, chances are the Nightcaps were featured, and on multiple occasions.

**Never a Dull Moment**

As a young man, Billy Joe had a childlike side that was endearing, if sometimes slightly frustrating. He never had a drinking problem, and I never saw him drunk. However, when he sang he insisted on buying a six-pack of the absolutely cheapest beer he could find along with a half pint of even cheaper bourbon. He would mix the two together and start drinking the concoction before we began to play, continue throughout the gig, and finally tail off when it was time to pack up and head home. He said the beer-bourbon mixture “coated his throat.”

We played in Oklahoma City one night and the five of us stayed in a single large hotel room. After the gig, we had settled in for the night. It was warm in the room, and as we were all about to fall asleep, I said to Billy Joe, “Billy, crack that window.” BJ had enjoyed his usual beer/bourbon complement and that, combined with my using the verb “crack,” resulted in his reaching up, pulling a framed picture off the wall, and hurling it at a nearby, floor-to-ceiling plate-glass window. The window shattered. Not long after a norther came through, blew directly through the gaping hole that had once been a window, and nearly froze us all to death.

Another time we played in Ft. Worth and I had driven over with Billy. He again had enjoyed plenty of bourbon and beer. We were driving home after midnight on what was then the old Dallas-Ft. Worth Turnpike. There were still tolls then, and of course, toll booths. We were chatting and Billy was cruising along at a high rate of speed when the toll booth on the Dallas side of the turnpike appeared in the distance. I assumed Billy saw it too, but quickly realized he wasn’t slowing down and in fact had no intention of stopping. As we got closer and closer to the toll booth—and keep in mind we were going *really fast*—the personnel manning the booth began to run for cover, like roaches when a light turns on. We got to the booth and just sped right on through the gate without, I assume, a whole lot of room to spare. It was like something the Dukes of Hazard might have attempted in their Dodge Charger. Apparently no one got our license plate number because we never heard a word from anyone.

We were at Roscoe White’s E-Z Way, on Lovers Lane at what is now the Dallas North Tollway, after a gig one night and Billy Joe and Gene got into it about something. We were standing outside, they kept arguing, and finally Billy Joe pulled back his fist to launch a roundhouse right at Gene. Being the peacemaker, I stepped forward to separate them just in time for BJ’s punch to land right on my jaw. Immediately remorseful, Billy Joe said, “I didn’t mean to hit *you*, Jack.” That was the end of the “fight.” I couldn’t open my mouth for almost a week.

Gene wasn’t much of a drinker. Like all of us, he enjoyed beer, but stayed away from Billy Joe’s cheap bourbon. One night we were driving back from Houston on I-45. All of us were asleep. I was in the front passenger seat, and Gene was driving. When I say all of us were asleep, I mean all of us. Gene, too, had dozed off, and the next thing we knew we had drifted over to the gravel shoulder of the highway and, going probably 70 mph, and barreled squarely into a speed limit sign. The pole bent back at a 90 degree angle, the top of it hitting the top of the windshield right in front of me. The car didn’t even swerve, but we all were immediately awake and Gene braked to a stop. Some shattered glass had made some cuts to my face that, though minor, were significant enough to break the skin. “Jack’s bleeding!” Billy Joe cried. The ever practical Gene answered that we needed to get out of there because, if the police came, we would be responsible for paying to replace the now destroyed sign. Although some damage occurred to the front end of Gene’s car, other than my insignificant wounds, there was no further damage to any of the Nightcaps. It is amazing we weren’t killed or severely injured.

A few years later, several of us drove with Gene, again in his car, to St. Louis for a wedding. When we got to Alton, Illinois, Gene’s engine literally blew up. Somehow we got to St. Louis, made the wedding, and a fraternity brother named Dave Phillips and I then hitch-hiked back to Dallas. That was the one and only time I ever hitch-hiked, and Phillips and I both agreed it was an adventure we didn’t want to repeat.

My mother had an American Motors station wagon we would occasionally borrow to drive to gigs. (My dad had died when I was about halfway through college.) There wasn’t room for all of us and all of our equipment in the car. So we usually rented a small U-Haul trailer. But once, on our way to Waco, instead of renting a trailer we crammed everything inside the car except my bass drum, which we affixed to the luggage rack atop Mother’s station wagon. We were cruising along on I-35 when suddenly the car seemed to gain speed. I looked in the rear view mirror and there was my bass drum, in its soft canvas cover, rolling back and forth in the big depression between the Interstate and the service road. We stopped, backed up, resecured the drum, and continued on our way to Waco. Amazingly, the drum was barely scratched. (Drums and drummers are tough!)

Once Gene told us he couldn’t drink for a while because he was taking antibiotics. Apparently he had developed an infection from a chicken bone getting stuck in his throat. From that point forward Gene’s nickname was “Chickenbone.”

Occasionally, we would make really good money playing a gig. Once, we played a big debutante party in Ft. Worth at one of the country clubs. The party was for the daughter of Marvin Leonard, who owned Leonard’s Department Store. When it was time for us to quit, we were asked to play overtime. So we took a short break and then played some more—maybe an hour. Now it was time to go for sure. Looking for our overtime pay, I found Mr. Leonard. By then, he had enjoyed plenty of whatever it was he was drinking, was proud of his precious daughter, and delighted the party had been such a success. He was also more than ready to go home and fall into bed. When I told him he owed us some more money for overtime he didn’t say a word. He just looked at me unsteadily for a few seconds, reached into his pocket, pulled out a wad of cash, and, without even looking at the bills much less counting them, stuffed the money into my hand. “That be enough?” he asked. I had no idea how much it was, but knew it was a lot. I just said, “Yes, Sir, that should do it,” transferred the money to *my* pocket, and beat a hasty retreat. As I recall, we made more for the hour of overtime than we did for the rest of the party.

I played a few gigs with a jazz trombone player in town from New Jersey. The Nightcaps were scheduled to play somewhere in West Texas and this trombonist asked me to do him a favor. “When you get out of town and come to a bridge over a river,” he said, “stop, take my trombone, and throw it off the bridge.” He was returning to New Jersey and obviously was going to claim his trombone had been stolen in order to collect on his insurance policy. Sure enough, we got to a river, stopped the car, I got the trombone out of the trailer, and walked over to the edge of the bridge. I looked down and, after thinking about it for a couple of minutes, realized this was something I just couldn’t do. (A “bridge too far?”). So I returned the trombone to the trailer and, when we got back to Dallas, put it in a closet at home and forgot about it.

At Christmas 1967 I came home for a short leave (I was now in the Army) before reporting to Officer Candidate School in Virginia. I was broke and, needing money for Christmas, remembered that trombone. Finding it in the closet where I had left it, I took it to Cline Music. Jerry Cline, who also happened to be a trombonist, opened the case, studied the horn for a minute, then asked, “How much do you want for it?” Not having the slightest idea what it was worth, I answered, “What’ll you give for it?” There followed the usual back and forth. Neither of us was going to give in first. Finally, after a few minutes of this, Jerry blinked. “I couldn’t give you a penny more than $200,” he said. “Well, if that’s the best you can do,” I answered. I left that music store a happy camper, as I would have taken just about anything Jerry had offered.

(Ironically, Jerry’s grandfather was Isaac Cline, the Galveston meteorologist who “missed” the 1900 hurricane that destroyed the city. He was the subject of a great book about that event called “Isaac’s Storm.” Jerry’s father was a legendary Dallas dance band leader named Durwood Cline. Durwood was famous for saying things that could as easily been uttered by baseball’s Yogi Berra. For instance, when asked once how old a singer was, Durwood answered, “Well, I’m not sure. But she’s no fried chicken.”)

The only time we ever failed to get paid was when we played a job at the Borger Dome in Borger, Texas. The disc jockey who had promoted the show promised to pay us but the check never came. Turns out he took the money and ran—to South America— where he committed suicide. At least that was the story we were told.

**Grand Theft Thunderbird**

When I left Dallas in the summer of 1966 to spend the next three years in the Army,

only Billy Joe and Gene remained of the original Nightcaps. Billy Joe was still singing and fronting the band, and Gene was now playing lead guitar. The group was rounded out with Dennis Mills on bass, Chris Brown drums, and various other musicians filling in as needed.

Importantly, this was three years before ZZ Top, a band which would go on to

fame and fortune, had been formed. In 1969, my three-year military commitment satisfied, I returned to Dallas, got married, and restarted my career in advertising. Given my love for jazz, I paid little attention to the world of pop music. I had never heard of ZZ Top, though I may have seen a picture of and been impressed by their distinctive long beards. It would have never occurred to me that they had recorded “Thunderbird,” and not just once, but twice. Or that their version mimicked ours word for word, note for note, nuance for nuance.

Flash forward to 1992, and we found ourselves in talks with Dallas attorney Richard Jackson. I can’t recall how we connected with Jackson, though it may have been that David Swartz had met Richard socially and in a conversation “Thunderbird” had come up. A well- respected lawyer, Jackson was of the opinion that we had a valid misappropriation of intellectual property claim against ZZ Top. In September 1992, we retained Jackson to represent us in our complaint that ZZ Top had plagiarized “Thunderbird.” The agreement stipulated that Jackson would pay all expenses and be entitled to 40 percent of any recovery.

Three months earlier, in June, a Houston attorney named David W. Showalter had written Bill Ham, ZZ Top’s manager, on our behalf, pointing out that ZZ Top had “recorded the Nightcaps’ song ‘Thunderbird’ and released said song on both the *Fandango* and *Six Pack* albums without first securing permission from any members of the group or acknowledging their authorship” of the song. Showalter closed by writing that if Hamm was “interested in discussing settlement of this claim without litigation, please have your representative contact me immediately.” I never met Showalter and nothing further was heard from him. I do know that Showalter represented songwriter Linden Hudson, who complained that ZZ Top had included Hudson’s *Thug* on the band’s multiplatinum *Eliminator* album. Hudson settled for $600,000, according to Showalter. It may be that Showalter handed the case off to Jackson. All I know is that moving forward, we were represented by Richard Jackson.

Jackson sent Billy Gibbons, Frank Beard, and Joe Hill individually and dba ZZ Top a demand letter on October 15, 1992. The letter was also sent to a dozen other potential plaintiffs, including elements of Warner Bros. Records, Broadcast Music Incorporated (BMI) and the American Society of Composers, Authors and Publishers (ASCAP). Discussions among the parties followed. On December 19, 1992, an attorney named Joseph D. Schleimer wrote with ZZ Top’s “best offer” to settle the Nightcaps claim. Schleimer, of Los Angeles-based Lavely & Singer, wrote that his clients were willing to pay a total of $225,000 to settle the matter. My recollection was that the offer was then increased to $300,000, though I can’t substantiate that. Schleimer made it clear that if we filed suit, the offer was to be considered immediately terminated. Schleimer’s exact words were, “The microsecond in which you file the complaint, the offer will vanish—and it will never rematerialize.” The five of us met with Jackson to discuss the offer. We felt, based on other, similar claims, that ours was worth $2 million. We rejected their offer and Jackson prepared a 39-page Plaintiff’s Original Complaint. After some additional back-and-forth, the suit was filed.

What followed was a two-year legal battle that captured some interest from the media. In a “Pop Notes” column in the *Houston Chronicle* on November 5, 1992, columnists Marty Racine and Rick Mitchell pointed out that the Nightcaps and ZZ Top’s versions of “Thunderbird” were “nearly identical.” The column quoted Robert Wilonsky, who at the time was writing for the *Dallas Observer*, that “to any tin-eared yokel with a record player—to say nothing of three Texas-bred musicians with millions of bucks in the bank and dozens of platinum and gold records on the wall—it’s painfully obvious that the Nightcaps’ *Thunderbird* and ZZ Top’s version are the same.”

“From the opening pleas of ‘Get high, everybody, get high’ right down to the guitar solos, there’s not a lick of difference between the two,” WIlonsky continued. On December 23, 1992, the *Dallas Morning News* devoted parts of six columns to a story that reported the Nightcaps had sued ZZ Top for $49 million. (I never remember that figure being mentioned.)

I know that when the suit was filed, Jackson included with it not only the sheet music for “Thunderbird,” but a cassette tape containing both the Nightcaps’ and ZZ Top’s versions of the song. The similarities are remarkable.

The publicity resulted in a short-lived resurgence in the Nightcaps’ popularity. We played SRO shows at two Dallas venues—The Granada Theater and Poor David’s Pub—as well as one at Austin’s Continental Club.

Meanwhile, Ham had hired a powerhouse Dallas law firm, Jenkens & Gilchrist, to represent the plaintiffs. Charles Gall, Mary Murphy, and three associates argued the case for the defense. ZZ Top had always put forth a copyright defense. Thanks to Vandan owner Tom Brown, the Nightcaps had failed to copyright “Thunderbird.” ZZ Top had. The case was assigned to the United States District Court for the Northern District of Texas. Judge Jerry Buchmeyer, who had danced to the Nightcaps as a teenager, assigned the case to Magistrate Judge Irving Goldberg to rule on the copyright issue.

There were two elements to Jackson’s attempt to overcome the copyright restrictions. The first was that ZZ Top’s actions amounted to a “continuing tort,” and therefore the statute had not even begun to run. The second was that the statute shouldn’t have begun “tolling” until each Nightcap was aware that our song had been stolen.

On January 6, 1994, the Magistrate ruled in favor of the plaintiffs. He reasoned that when we failed to copyright “Thunderbird,” we basically gave away our claims to the material.

The tone of Goldberg’s decision made it plain that he had little respect for a 1960s band that had achieved only regional acclaim. “Imitation may be the sincerest form of flattery,” he wrote,   
“but it may also lead to jealousy when the imitator succeeds where the imitated does not.” In commenting on the Nightcaps and “Thunderbird,” Goldberg adds, “Apparently the song and the album did not shower the Nightcaps with fame and fortune. ZZ Top, in contrast, is currently a very successful band.” If there is any consolation, it is that ZZ Top conceded in its pleadings that its version of “Thunderbird” is “musically and lyrically identical to the version written and performed by the Nightcaps.”

Jackson appealed to the Fifth Circuit Court of Appeals, where the judges supported the lower court. Jackson had traveled to New Orleans to argue the appeal. He told me he knew we were in trouble when he noticed that, during his presentation, one of the judges was fast asleep.

In commenting on the ruling in the February 2, 1995 issue of the *Dallas Observer*, Wilonsky wrote:

*No legal ruling can deny what happened: ZZ Top claims creation and ownership of a song they did not write. The Nightcaps’ influence on a generation of Texas-*

*bred blues performers has long been documented, whether it was Stevie Ray*

*Vaughn recalling childhood days spent learning the Nightcaps’ songs or Jimmie*

*Vaughn naming his Fabulous Thunderbirds after the Nightcaps’ song. And yet*

*ZZ Top, a band that also owes much to the Nightcaps, refuses to pay its debt, be*

*it a financial or a moral one.*

For my part, I don’t hold a grudge against ZZ Top. The music business is a notoriously rough neighborhood. Copyright laws are there for a reason. My guess is that ZZ Top Manager Ham, who had a salty reputation, made most of the decisions concerning the “Thunderbird” matter. I suspect Gibbons, Beard, and Hill would have settled amicably and fairly if Ham had encouraged them to do so. If there is a heavy here, it is probably Tom Brown, who should have known better than to fail to copyright a Nightcaps song. Copyrighting is not, or at least was not back then, an expensive process. I can’t, though, even be too angry with Brown. If his Vandan label wasn’t right for us, we could have and should have taken our talents elsewhere.

I may be a fatalist, but something I learned long ago is that no, life’s not fair. And yes, we’d all better get used to it.

**Afterglow**

The band was never quite the same after Daboub, Swartz, then Gary Mears and I left.

A Wikipedia blurb says the band broke up because of “drugs, alcohol and weariness.” Nothing could be further from the truth. None of the Nightcaps ever did drugs of any kind. None of us drank to excess. And we certainly weren’t “weary.” We broke up in large part because the Vietnam War meant three of us had military obligations to fulfill.

Billy Joe and Gene soldiered on, playing occasional gigs. When I went into the Army, I had been replaced on drums by Chris Brown. Ironically, Chris was the younger brother of Clark Brown, who was one of two guitarists with the Atmospheres, that band some of us had organized back at Highland Park High School. After Chris left, a good drummer named Mark Minton joined the band, and remained with the Nightcaps until Billie Joe and Gene decided it was finally time to hang it up.

During the band’s final years, they played dances at the Knights of Columbus. Organized by a Jesuit alum named Bobby Cahill, these events were always well-attended, which at first surprised me. The guys in the band were all getting old, after all, and this wasn’t the same Nightcaps—certainly musically—that it was when we were all in or not long out of college. Then it finally clicked with me. The folks who enjoyed these K of C dances relished the opportunity to *revisit their youth*. If it wasn’t the same old Nightcaps, so what? It was the Nightcaps nevertheless. And hearing the band reminded them of when they were young, carefree, their futures in front of them.

In May 2006 we were invited to play the Ponderosa Stomp. The event, which had always been held in New Orleans, moved to Memphis for a few years after Hurricane Katrina. Numerous rock bands were featured. I can’t remember who all was there, though I do recall saxophonist Boots Randolph (“Yakety Sax”) played, as did Rock ‘N Roll Hall of Fame guitarist James Burton. The promoters wanted “the original” Nightcaps. So Billy Joe, Gene, David Swartz and I went, along with (I believe) bass player Dennis Mills. (Mario had arthritis so badly by then he could no longer play.)

The Stomp was a fun event with lots of good music and plenty of avid music fans. However, we knew from the time we left DFW Airport that something wasn’t quite right with David. For one thing, he had no guitar. When we got to Memphis he arranged, with some difficulty, to borrow one. Then when we did our one-hour show, it turned out that David, who had once been an absolutely first-rate guitarist, could no longer play. Not a lick. Gene played lead and we got through the show, but we never were able to determine how David had managed to completely lose something that at one time had come so naturally to him.

Eight years later, in February 2014, David was the first Nightcap to die. He was 73.

A year later, in March 2015, Billie Joe died, suddenly and unexpectedly, at the age of 75. Six months later, in September 2015, Mario, who had been sick for some time, passed on at the age of 74. And finally, in June 2017, Gene died at the age of 76. He also had been ill.

A couple of months after Gene’s funeral, there was a reunion celebrating 60 years since our 1957 Highland Park football team won the state championship. There had been 46 of us on that team, and 12 were gone. The reunion, which took place over two nights, was lots of fun. Seeing everyone reminded us all that no, we weren’t getting any younger. But yes, there were things we had accomplished in our youth that remain, even today, rather remarkable.

Truth told, I was a much better drummer than football player. Nevertheless, while I’m proud of my contribution to that football team, I’m just as proud of making a mark with what is recognized as one of the most remarkable Texas bands of the 1960s. We had a great run, and I was left with many wonderful memories. If there is any sadness, it is only that I am the last Nightcap standing.

As one last hurrah, in 2018 the Nightcaps were inducted into the Dallas Songwriters Association Hall of Fame. Billie Joe’s widow, Carol, and I accepted on behalf of the band. All the rest of the guys were no longer alive, making the honor, and the evening, bittersweet.

If granted one last wish, it would be to have the guys back together one more time, get Billy Joe plenty of cheap beer and bourbon, put on my blue “Cap coat,” set up my drums, and play “Wine Wine Wine” for a packed house of dancing, carefree teenagers.

But, like the man says, you can’t go home.

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