

THE HEART
NEVER BELIEVES
IN LIMITATIONS 39

INTERVIEW BY PETER ZIMMERMAN

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HOW BLACK MUSICIANS HELPED REFORM LOCAL 802

Broadway audiences becoming more diverse, says new League report

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HOW WE'RE DEALING WITH THE PENSION CRISIS



Akrauthamer@Local802afm.org (212) 245-4802, ext. 100

In this month's president's report, I want to reprint a letter that was recently e-mailed to all members from the Local 802 Executive Board.

N DECEMBER 30, 2019, the AFM-EPF Trustees formally applied to the U.S. Treasury to reduce pension benefits. A copy of the application will be available on the Treasury's website within 30 days at www.treasury.gov/mpra. Today, 802 members who are AFM-EPF plan participants received a notice that included a personalized statement with each participant's current monthly benefit and estimated reduced benefit, if applicable. If the cut application is approved by the U.S. Treasury Department, benefit reductions would go into effect around January 2021.

The leadership of Local 802 recognizes that many of our members will be severely impacted by the impending cuts. To best represent our members during the upcoming year we are implementing the following:

First, we will continue to demand that the trustees personally appear at your Local to explain what is going on, and to answer all your questions. The Trustees should appear in person and not by webinar. With cuts to our hard-earned benefits now becoming a reality, AFM members deserve an opportunity

to engage in dialogue directly with the trustees.

Second, to ensure an accountable process for 802 members, we will be carefully monitoring the cut process, including the sufficiency of the application itself. Further examination of industry dynamics and demographics of the AFM-EPF is needed. We plan to examine every aspect of the application to the Treasury and will report back to you with our own analysis.

Third, as many of you know, Local 802 members Andy Snitzer and Paul Livant filed a class action lawsuit against the AFM-EPF trustees, charging them with breaches of fiduciary duty. Read the full court transcripts to date on the 802 website at www.bitly. com/802-pension-statement. The trial for the class action lawsuit against the AFM-EPF trustees is set to take place this spring in federal court. Local 802 will be monitoring and reporting on any developments in the trial in order to keep members informed.

Fourth, in June 2019, Local 802 announced the establishment of a new 401(k) plan, co-sponsored by the Broadway League, which will be employee contributory only. The new 401(k) gives musicians a powerful way to shore up their retirement security. Eligible musicians can contribute up to an annual total of \$19,000, or \$25,000 at age 50 or older, to their 401(k), lowering their taxable income and allowing their investment to grow tax-free. The new 401(k) also brings our union in line with many other entertainment unions who already offer the option. We expect the new 401(k) to be up and running in mid-2020.

Fifth, Local 802 will monitor and report on legislative activity in Washington. The Butch Lewis Act has unfortunately collapsed for now. Two bills have been introduced in the House to bring it back to life. Local 802 will stay engaged in Washington to get the help we need. But until there is a bipartisan proposal in the Senate, the path forward in Washington remains problematic.

Sixth, while Local 802 attempted to effect a change in trustees, pushing for much-needed Board reform with the goal of appointing more proficient and better-equipped pension trustees with Resolution 9 (Proposed Resolution #1 within the 802 Executive Board Minutes) at the AFM convention, we were unsuccessful. But we will continue to do everything in our power to continue these efforts on behalf of Local 802 members. The task of overseeing actuaries and investment managers in a multi-billion-dollar fund is extraordinarily complex. The training and education that our trustees go through may be helpful but cannot provide the kind of sophisticated and critical expertise which financial and actuarial professionals would bring to the Board. We believe the AFM-EPF is in need of a Board of Trustees that is more accountable, more dynamic, more solution-oriented, and more responsive than the one we have now.

Finally, as a community of union musicians we must come together in hopes of addressing what will be hard times for many friends, colleagues, and fellow musicians. Local 802 will be putting together a committee with a mission to draw public attention to the pension crisis in order to help support fellow musicians affected by cuts and give musicians a public voice. The initial goal of the committee will be simple: to start organizing public concerts which will help draw public attention to our cause and raise money to help musicians who are in need as a result of the pension cuts. If you are interested in participating, please visit www.bitly. com/802-pension-committee.

HOW TO CONTACT THE PENSION FUND

- For questions specifically about the **proposed pension benefit reductions**, call the pension fund's Benefit Services Center at (800) 725-4478; specially-trained representatives are available Monday to Friday from 8 a.m. to 8 p.m.
- For **general questions for the pension fund** (new or pending pension applications, address changes, direct deposit changes, etc.), call (212) 284-1311 or (212) 284-1200, option 2.
- You can also **submit questions online** through the **Contact Us** button at **www.AFM-EPF.org**.

ALSO: TELL THE U.S. TREASURY DEPARTMENT WHAT YOU THINK ABOUT THE PENSION FUND'S PROPOSED PLAN TO REDUCE BENEFITS

You are encouraged to contact the U.S. Treasury Department to give your comments about the pension fund's proposed plan to reduce benefits. Please note that all comments are posted publicly, but you are allowed to post anonymously. The comment period is open through March 2. To begin, type this exact URL directly into your browser: www.regulations.gov/docket?D=TREAS-DO-2020-0005

Wynton Marsalis wins Ken Burns American Heritage Prize

OCAL 802 MEMBER Wynton Marsalis has been named the recipient of the 2020 Ken Burns American Heritage Prize. The award will be presented on May 6 at the American Museum of Natural History. The evening's festivities will include remarks by Ken Burns, Wynton Marsalis, Rosanne Cash and other dignitaries.

Named in honor of America's most revered visual historian and filmmaker, the Ken Burns American Heritage Prize recognizes individuals whose achievements have advanced our collective understanding of America's heritage and the indomitable American spirit of our people. Nominees for the annual prize consist of visionary artists, authors, educators, filmmakers, historians, and scientists. The candidates are chosen by a national jury of distinguished leaders who represent communities across the country and share a common appreciation of America's heritage.

American Prairie Reserve, which created the prize, is a modern-day embodiment of America's optimistic and boundless approach to accomplishing the unprecedented - in this case, by creating the largest nature reserve in the continental United States, located on the Great Plains of northeastern

Burns said that awarding this prize acknowledges the historic role that the Great Plains played in helping to shape America's character. "It's that same character, courage, and fortitude that Wynton's tremendous work elucidates," he said.

Burns added, "This indomitable American spirit is alive and well today, in Wynton and in the men and women in many arenas whose work reminds us that our lives serve a greater purpose."

Wynton Marsalis is the managing and artistic director of Jazz at Lincoln Center, which he helped found. Marsalis grew up in a musical household in New Orleans, studied classical trumpet at Juilliard, and pursued his love of jazz



by joining Art Blakey's band. Aside from overseeing Jazz at Lincoln Center, Marsalis continues to perform, compose, and participate in educational workshops. Marsalis created the companion soundtrack recording to Ken Burns's documentary "Unforgivable Blackness: The Rise and Fall of Jack Johnson" and appeared in Burns's documentaries on jazz and country music. In addition to his musical talent, Marsalis has written six books.

"I am deeply appreciative to receive this prize from an institution I respect, bearing the name of a genius I admire and on behalf of a music that defines us at our best," said Marsalis.

A longer version of this press release along with links appears at www. wyntonmarsalis.org/news



Sunny Jain kicks out the groove at this year's Winter Jazzfest

Winter Jazzfest features top talent under a Local 802 contract



Ron Carter



John Dieterich and Mary Halvorson



Val Jeanty, Kris Davis and **Terri Lyne Carrington**



The Cookers





THE UNION ADVANTAGE: Musicians of the American Symphony Orchestra (above) enjoy the wages and benefits of a Local 802 union contract. Dozens of other ensembles in New York City have signed onto Local 802's classical contract, which protects musicians and guarantees them union benefits.

DECONSTRUCTING CLASSICAL SCALE



of Local 802 and the supervisor of the union's concert department

Kfisher@Local802afm.org (212) 245-4802, ext. 105

OUR YEARS AGO, Allegro published an explainer of the Single Engagement Classical Concert contract. Since then, Local 802 has added just over 2,000 new members, many of whom may be working

under that contract (Appendix A), or the Ballet/Opera Single Engagement contract (Appendix B). To help all members become familiar with the terms under which they work as well as to aid potential new bargaining units contemplating what working under a collective bargaining agreement means, a periodic refresher is in order.

The terms of Appendix A and B are nearly identical except where noted. Wages for concerts historically have been based on negotiations with the New York Pops. Those terms were promulgated last year and have been established through Sept. 11, 2023. Wages for Appendix B are based on the American Ballet Theatre negotiations. That contract expires on April 30 of this year and is in the process of being negotiated.

Other than the actual rates, there have

been few changes to the language. Since most musicians work under a variety of different contracts, it is important to note that the provisions vary slightly from one field to another, and from one CBA to another. Each contract, however, covers the following items:

Wages: This is the minimum amount that every musician will be paid for performances and rehearsals. As the other premiums are based on a percentage of wages, this is normally the most contentious piece in negotiations. Concert wages are based on a 2.5 hour performance; ballet/opera scale is based on a 3 hour performance.

Premium pay/principal pay: A premium of 20 percent over gross scale wages for performances and rehearsals is required for principal players and section leaders. This premium also applies to musicians when they are the sole player in the section, e.g., harp, keyboard, and tuba. The concertmaster receives an additional 100 percent over scale. If an engagement does not call for a traditional concertmaster, another musician must be designated as the leader and receive the premium.

Doubling: A premium of 20 percent is paid for the first double and 10 percent for each additional double. There are some exclusions, such as A, Bb, and C clarinets and trumpets, and separate categories of percussion. If you have questions about whether a specific instrument should receive the doubling premium, it's always best to check with the concert department.

Soundchecks: For a service to be considered a soundcheck, it must occur

CONTINUED ON PAGE 9

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between 30 minutes and 1.5 hours before the performance and may be scheduled only in the event that no previous rehearsal for that performance has taken place at the site. Soundchecks are not abbreviated rehearsals and last for one hour including a 10-minute break. Soundchecks pay 1.5 times the hourly rehearsal rate.

Chamber music: Concerts requiring 14 or fewer musicians are considered chamber music and require a 12 percent premium for all players in addition to principal pay and doubling.

In the ballet/opera contract, the premium varies depending on the seating capacity of the performance venue.

Religious service: The rates for religious services apply to music played as part of a religious service (rather than a concert in a church). There are specific guidelines for these depending on the number of services per day and the time frame in which they occur. Major holidays require an additional payment of 50 percent above religious service scales. Principal pay and chamber music overscale do not apply to a religious service.

Pension: Pension is calculated as a percentage of gross scale wages, which include performances, overtime, rehearsals, mileage, doubling, and all premiums. It is not deducted from wages but paid in addition to your wages by the employer. It is extremely important to keep track of all your engagements and to check your annual statement from the pension fund to make sure you receive the correct credit. Only employment covered by a union contract is eligible for pension benefits.

Due to the critical and declining status of the pension fund, the AFM-EPF has now instituted two mandatory rehabilitation plans. The plan added .09 percent to the base rate in 2010. The second rehab plan announced in June 2018 added 10 percent. This second amount is "unallocated," which means the increase goes directly to the fund rather than to an individual musician's account.

The current single engagement pension contribution is 17.99 percent. Ballet/opera is now 19.18 percent

Health benefits: Health benefits, like pension, are also paid by the employer but the contribution is a set amount and equal for all musicians, irrespective of other premiums. It is important to note that most concert contracts, including ABT and the Mostly Mozart Festival Orchestra, offer a health benefits shortfall fund. If you are a rostered member of any Local 802 orchestra who participates in this benefit, funds are available to bring you up to Plan A or Plan B if your aggregate employer contributions fall short of the required amount of contributions (currently \$500 per six months for Plan B and \$2,000 per six months for Plan A). You may not use the shortfall fund to move from Plan A to Plan A+, however. Check your contract to find out if your orchestra offers this benefit.

Cartage: For a full list of instruments that receive cartage, please refer to the contract. For timpani, harp, and other bulky instruments, the actual cost of cartage is paid upon submitting receipts to the employer.

Mileage: Mileage must be paid for Nassau and Suffolk Counties and beyond Local 802's jurisdiction even if transportation is provided.

Recording: No recording of any kind is allowed without prior written agreement. There are too many details related to recording and our national contracts to cover in this space, however I cannot stress enough how important it is that you educate yourself and know what you are getting into when you agree to do a recording. You easily could be cheating yourself out of thousands of dollars down the road if you agree to record nonunion. Archival and grant recordings are a different matter. They do not require extra payment; however, it is required that the employer sign an agreement with the union and the orchestra must vote to allow the recording to go forward. If you see microphones being set up in a rehearsal or performance and you have not received prior notification that a recording is taking place, inform your contractor and call the Local 802 electronic media department.

Service conditions: This clause addresses length of performances and rehearsals as well as breaks. Musi-



Musicians who perform with the American Ballet Theatre are protected under a Local 802 union contract. Pictured above: ABT musicians rehearsing in 2016.

cians must be paid for a minimum of 2.5 hours of rehearsal and for an entire concert even if some or all the group is needed for a shorter time. Rehearsals must end by 7 p.m. A rehearsal may be called for up to 4 hours before overtime is required, however all rehearsal times must be called no later than 24 hours before the rehearsal with a definite start and end time. No musician is required to remain beyond the last rehearsal call.

Work dues: For all work other than recording, 3.5 percent of your gross scale wages are withheld by your employer and submitted to Local 802. (Work dues for recording work vary depending on the contract). This should be the only deduction from your check other than statutory taxes. If no taxes were deducted from your check, you were

paid as an independent contractor, which is against the law in New York state (for musicians). Allegro has published many articles on the right of musicians to be treated as employees; we have a special page set up at www. bitly.com/independent-contractorarticles. If you're paid as an independent contractor, it could come back to haunt you at tax time. Learn about your rights!

Whether you are new to 802 agreements or just haven't reviewed them for a while, I hope this will inspire you to read your contracts and contact your orchestra committee or the Local 802 concert department when further elaboration is needed. You can access our classical scales at www.Local802afm.org/contracts. Better yet, stop in and pick up a copy. We are always happy to see you.





Broadway audiences becoming more diverse

HE BROADWAY LEAGUE recently released its 22nd annual demographics report, which provides a comprehensive analysis of the theatregoers who attended Broadway shows in New York City last season. It also compares current Broadway theatregoing habits in New York City to previous seasons and aids in predicting trends for the future.

In the 2018-2019 season, attendance reached an all-time record high of 14.8 million. Among these, 2.8 million international visitors attended a Broadway show. This represents the highest number of attendances by tourists from outside the U.S. in history. Along with the overall growth in attendance, the number of admissions in the demographic category called "non-Caucasian theatregoers" reached a record high of 3.8 million. Additionally, Broadway welcomed 3.4 million admissions by those under age 25, the third season in a row that attendance from younger audiences topped 3 million.

The analysis is based on extensive survey data gleaned from audience questionnaires distributed throughout the 2018-2019 Broadway season in New York City highlighting both audience demographics and their ticket purchasing habits. Each year brings fluctuations to the makeup of audiences due to a variety of reasons such as content, weather, the economy, and changing competition for leisure activities. Therefore, this longitudinal analysis demonstrates wider trends and changes of the audience over multiple seasons.

THE NUMBERS TELL THE STORY

- In the 2018-2019 season, Broadway shows welcomed 14.8 million admissions, an all-time high.
- Approximately 35% of those attendances were by people from the New York City metropolitan area.
- Sixty-five percent of admissions were made by tourists: 46% from the Unit-



ed States (but outside New York City and its suburbs) and 19% from other countries.

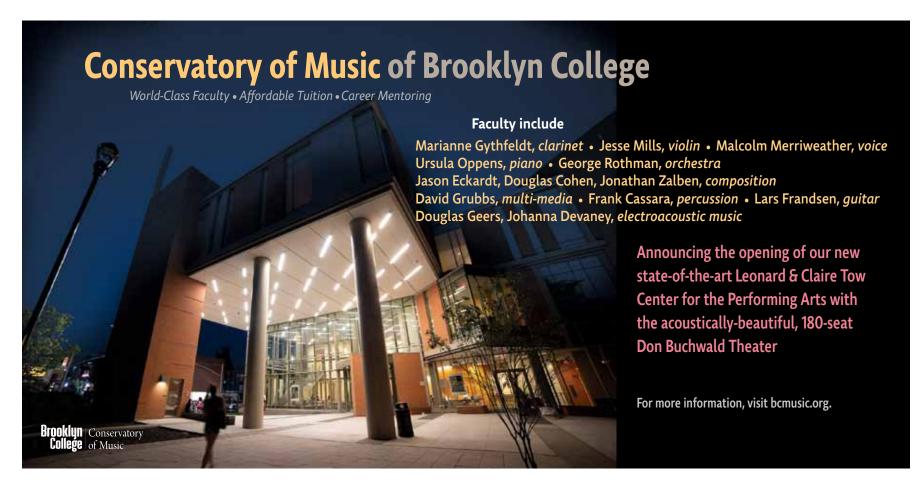
- This represents the highest number of attendances by international visitors in history - 2.8 million.
- Sixty-eight percent of the audiences were female.
- The average age of the Broadway theatregoer was 42.3 years old. This average has hovered between 40 and 45 years old for the past two decades.
- Along with the overall growth in attendances, the number of admissions by non-Caucasian theatregoers reached a record high of 3.8 million.
- Of theatregoers age 25 or older, 81% had completed college and 41% had earned a graduate degree.
- The average annual household income of the Broadway theatregoer was \$261,000.
- The average number of attendances by the Broadway theatregoer was 4.4 in the past year. The group of devoted fans who attended 15 or more performances comprised only 5% of the audience, but

accounted for 28% of all tickets (4.15 million admissions).

- Playgoers tended to be more frequent theatregoers than musical attendees. The typical straight-play attendee saw seven shows in the past year; the musical attendee, four.
- Respondents reported having paid an average of \$145.60 per ticket.
- Fifty-nine percent of respondents said they purchased their tickets online.
- The average reported date of ticket purchase for a Broadway show was 47 days before the performance, four days earlier than the previous season.
- Google was the most common initial source theatregoers named when they were asked where they looked for information about Broadway shows. Ticketmaster and Broadway.com followed Google.
- Twenty-two percent said that they relied primarily on word-of-mouth from people they knew.
- Most theatregoers attended in pairs or small groups of family or friends.

• The vast majority of current theatregoers had some connection to theatregoing as a child.

This demographic report is published annually by the Broadway League. From June 2018 through May 2019, the League's research department administered surveys at 49 different productions at 98 individual performance times. Shows were selected on a quarterly basis to represent what Broadway was offering that season (i.e., a proportionate number of musicals versus straight plays; revivals versus original works; and new productions versus longrunning shows). Questionnaires were distributed at multiple performances per show to account for variances in the weekday, weekend, evening, and matinee audiences. Completed questionnaires were tabulated and weighted based upon the actual paid attendance for each show. In total, 17,400 questionnaires were distributed and 8,972 were returned, representing a 52 percent rate of return.



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NOTES FROM THE FIELD

A BANNER YEAR FOR UNION REVIVAL

BV LEO GERTNER

Lgertner@local802afm.org

NIONS ARE BUILT on the principle of solidarity - an injury to one is an injury to all. It means that we stand up for each other when injustices are being done against us, our colleagues, or sometimes in our own name. By those measures, 2019 was a banner year for unions and labor solidarity. It's too soon to say that the labor movement is once again thriving as in 1954 (when 35 percent of the American workforce was in unions), but it's very much alive and kicking. Joe DeManuelle-Hall and Dan DiMaggio from Labor Notes wrote up an excellent year in review. Let's review some of their highlights from 2019:

Teachers continue to organize

2019 continued the trend from the vear before of mass teacher mobilizations against austerity and cuts that weakened public education. Among others, Los Angeles, Denver, Oakland, West Virginia and Chicago teachers struck, winning important gains. Teachers fought not only for themselves, but for strong, quality public education for all students. In Chicago, for example, teachers negotiated a librarian and nurse in every school. In Little Rock, teachers held a one-day strike to protest the re-segregation of their schools, the site of the 1957 fight for integration of Central High School. Several of these unions also elected progressive reform slates focused on organizing.

Massive strikes in the private sector

Hundreds of thousands of workers walked the picket lines in 2019, on pace to match the increased union activity levels from 2018. Over 30,000 Stop & Shop workers in New England went on strike for 11 days, defeating proposals that would've harmed their health insurance and pensions. In the Southeast, AT&T workers held the biggest strike in a decade in the region, winning wage and 401(k) increases, while holding



TEACHERS UNITED! All across the country, teachers have been mobilizing for better conditions for their students and fairer compensation for themselves. Above, teachers in Los Angeles walk the picket line in 2019.

down healthcare costs. In manufacturing, 49,000 General Motors employees went on strike for six weeks, reaching a settlement that hastened lower-tier workers' advancement and other important improvements.

Tech sector fights back

While the tech sector is largely nonunion, workers there have made headlines with savvy organizing and highprofile actions. One thousand Amazon workers walked out in Seattle to protest the company's lackluster response to addressing climate change. Some of the Amazon workers had also shown support to warehouse workers in Minnesota who walked out during July's "Prime Day." Tech workers also fought back against the detention camps on the border by protesting their employers' contracts with Immigration and Customs Enforcement, including workers at online furniture retailer Wayfair's Boston

headquarters, who walked off over the company's sale of beds to ICE. In California, rideshare drivers and other app workers led the passage of AB5, a bill that entitles app workers to the protections of employee status, as opposed to independent contractors.

International bright spots

Across the globe, unions also played important roles in important movements and victories. In Chile, spurred by increases to public transport prices, over a million people joined protests over the country's vast gap between the rich and the poor – the top one percent in Chile control over a quarter of the country's wealth. Joined by dockworkers, miners, government workers and others, the protestors won a new referendum on the constitution. In Puerto Rico, unions helped overthrow the governor in the largest strike the island ever saw. French workers are also still striking over changes to their pension system, while Finnish postal workers engaged in protests that led to the prime minister's resignation and the selection of the youngest-ever prime minister in the country's history, who is also a strong progressive.

Solidarity is what animates participation in the labor movement, creates unity, and gives us the strength to muscle through the frequently arduous fight for better standards. I have only been at Local 802 for a few months now but I have witnessed some of the wonderful camaraderie that musicians have on the job. Our mission as a union (including our members, elected officers, staff, and those musicians who we aspire to bring in) is to elevate that camaraderie into solidarity, both for other musicians and for fellow workers struggling to live with dignity in New York. In 2020, I believe we can take that solidarity to a whole new level.



Roberta Reardon is the commissioner of the New York State Department of Labor

S WE BEGIN 2020, it is an exciting time for musicians in New York state. With a new decade in front of you, you have the opportunity to set the stage for the next ten years. And you get the honor of being at the forefront of positive change for your industry.

The last decade presented many changes for your industry. It's a challenging time to be a working professional in the business. Technology continues to change the face of this industry so rapidly. Therefore, more than ever, it is so important for each of you to be part of a proactive and engaging union. Your union has the resources, clout and people power to protect your interests as working musicians. It is the lifeline to sustaining music and the arts in our communities.

When I was an actor, I was active in my union because it afforded me benefits and protections that I would not have enjoyed otherwise. It not only gave me access to a fair wage and benefits, it opened doors that I would not have had the opportunity to walk through, if it weren't for the backing of my union. It helped me to thrive as an actor.

As the former president of AFTRA and the founding co-president of SAG-AFTRA, I offer another perspective. I had the honor of representing more than 165,000 members. And I can tell you, a union is only as strong as its members. You are the power within your union. You are the voice of your union. Only you can effect change within your union and beyond.

If it weren't for my experiences as a member of a union and as a union leader, my path would be very different today. I love my job as the commissioner of the New York State Department of Labor, and now I get to help make a difference for all New Yorkers by working to ensure equal pay, provide safe and healthy workspaces, offer job training and employment assistance, protect against wage theft, and more.

Setting the stage for the next decade

The importance of a united union

By ROBERTA REARDON

For example, earlier this year, the New York State Department of Labor recovered more than \$460,000 in wages for unpaid concert workers. The settlement came in the wake of a Department of Labor investigation which revealed that 654 SoFar Sounds "ambassadors" were never compensated for work performed at SoFar events between 2016 and 2019.

SoFar Sounds, a for-profit business, produced small concerts in cities around the world with the assistance of uncompensated "ambassadors" to operate and manage individual events. When the Department of Labor opened its investigation, SoFar cooperated fully and immediately changed its business model. SoFar now staffs all its events with paid employees. The company also agreed to immediately compensate ambassadors who provided any unpaid work. Positive things can happen when we all work together to do the right thing.

I recognize the importance of musicians and the arts community and I will continue to support the industry and fight for protections and incentives to help it grow.

You also have a leader who has passion and vision. Adam Krauthamer is proactive and forward thinking. Your union stands in solidarity with others, and 2020 will be a pivotal year for all of you.

You have the opportunity to be a part of something exciting and magical. Stevie Wonder said it well: "Music is a world within itself, with a language we all understand." As an artist, you have an obligation to protect that world and that language which reaches so many. You can only do that by actively participating in your union.

We are fortunate to have a governor who values and respects the richness music, film and entertainment bring to our communities and our lives. Governor Andrew Cuomo is extremely supportive of the work that you all do. Under his leadership, New York has become a top destination for film and television, culture and the arts.

New York's \$420 million film incentive program is one of the best in the nation. The New York State Governor's Office of Motion Picture & Television Development offers film, television and commercial production and post-production tax credits for qualified expenditures in New York State.

Simply put, this means more economic growth for New York state. These programs bring more people to New York to see you - our working musicians - on Broadway, at the opera or in the great concert halls of New York. It's a win-win for our economy and our cultural arts communities across the state.

Since 2011, 2,274 applications have been accepted to the New York State Film Tax Credit Program, creating 1,628,40 new hires by the film and television industry in New York State and generating \$28.2 billion in new spending for New York State.

The governor's support of music and the arts expands beyond New York City. He has championed the Empire State Musical and Theatrical Production Tax Credit Program. The program is designed to encourage musical and theatrical production companies to conduct pre-tour activities, technical rehearsals and to perform shows at locations in upstate New York, home to some of the

premier regional venues for musical and theatrical production. This provides more opportunity for our musicians!

Earlier this year, the governor announced the Empire State Entertainment Diversity Job Training Development Fund, the first fund of its kind in the nation. Productions participating in the New York State Film Production and Post-Production Tax Credit Programs will see a small reduction in their tax credits that will be diverted into a fund for job training and workforce development across the entertainment industry. The fund will initially provide \$1.05 million per year and will ensure that the jobs related to the growth of New York's entertainment industry are filled by New Yorkers who represent the diverse nature of our state.

While the governor's initiatives and tax incentives play a critical role in keeping the music industry robust, your role as a working artist and professional in the business is even more crucial. As an engaged member, standing together with your union, you have the ability to make your industry stronger than ever. Your union is your best friend, and you need to do your part to sustain that partnership. Whether it's attending a committee meeting, taking part in a roundtable discussion or volunteering at a union event, you are your union's best advocate. I leave you with these profound words from Mahatma Ghandi: "Be the change you want to see in the world!" Make 2020 a year of positive change for Local 802!

Roberta Reardon is the commissioner of the New York State Department of Labor.



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Trump's labor board wages a LEGAL WAR O WORKERS

IHE START OF a new year brings with it the promise of new possibilities and beginnings. Unfortunately, this is not the case with labor relations in the United States. The Trump NLRB's assault on workers' legal ability to organize and collectively bargain continues unabated. In December, the NLRB profoundly eroded established procedures for conducting union elections and overruled a prior decision that had allowed workers to use their employer's e-mail system for organizational activity. Combined with the NLRB's other retrograde rulings over the last two years, the aggregate results of these decisions will severely stymie organized labor's ability to grow union density. In the upcoming year, one can assume that without a change of either our government's administration or policy, the crippling assault will continue.

In 2014, after an extensive commentary and review process, the NLRB overhauled its regulations guiding the administrative process for the conduct of union representational elections. This was a painstaking process that examined inherent procedural flaws in the election process that often resulted in unfair elections and skewed results. Regulations were streamlined so that it was less likely that they could be manipulated to affect election results. On Dec. 15, 2019, the NLRB, without substantial commentary, issued a final rule that eviscerated these prior reforms. We **LEGAL CORNER** HARVEY MARS,



Harvey Mars is counsel to Local 802. Legal questions from members are welcome. E-mail them to HsmLaborLaw@HarvevMarsAttornev. com. Harvey Mars's previous articles in this series are archived at www. HarveyMarsAttorney.com. (Click on "Publications & Articles" from the top menu.) Nothing here or in previous articles should be construed as formal legal advice given in the context of an attorney-client relationship.

can now expect that the delays and ligation that were endemic to the prior regulations will return, thus hampering unions' ability to organize. These new (or should I say old) rules will take effect April 14, 2020.

Among the changes being effectuated are a lengthening of the time between the filing of the representational petition and the pre-trial hearing during which legal issues involving the proposed unit are discussed, a new requirement that the petitioner submit a response to the respondent's position

statement, the submission of post-hearing briefs and the impounding of ballots in the event of an election challenge. The prior rules permitted the NLRB to consider election challenges after the election was conducted. The new rules eliminate that option. The overall effect of these rules is that a considerable amount of time can elapse between the filing of the election petition and the conduct of the election and issuance of a bargaining order. It is common knowledge that delays can hamper successful election results and permit respondent employers to commit unfair labor practices and intimidate employees into voting against unionization. The NLRB has restored a regulatory scheme that plays right into this strategy.

The following day, the NLRB issued its decision in Caesars Entertainment, 368 NLRB No. 143 (2019), which reversed a progressive decision rendered by the Obama NLRB in 2014 that held that workers could utilize their employer's email system for organizing purposes so long as this was done on non-working

time. That decision, Purple Communications, held that the NLRB recognized that changes in technology altered modern workers' work environments. E-mail was analogized to being the functional equivalent of a "workplace water-cooler" around which employees congregate. In an effort to modernize application of NLRA Section 7, the NLRB found that concerted activity could legitimately occur in the context of e-mail. (See my Allegro article from February 2015, available at www.bitly.com/mars-february-2015.) In reversing this decision, the current NLRB stated that an employer's property right to control its e-mail server outweighed employees' right to organize and that employees had other avenues through which to exercise their Section 7 rights, even though they were not as efficient and effective as e-mail.

This twin assault on organized labor shows us what we're up against. The current NLRB has made no effort to hide a horribly obvious undeniable truth: it is the enemy of any employee seeking to engage in concerted activity.

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Featured article Herald-Tribune
- By Emily Sullivan

Music



This restoration is a living memorial of those who perished and those who survived the Holocaust.









Music from the heart

MET Orchestra musicians and other Local 802 members recently performed for Spanish-speaking refugee children from Mexico and Central America at the Andrew Freedman Home in the South Bronx. Connecting with communities throughout the greater New York area through music has continued to be a commitment and priority for both the MET Orchestra musicians and Local 802. Pedro Diaz narrated and was joined by Yevgeny Faniuk (flute), Anton Rist (clarinet), Mark Romatz (bassoon), Hugo Valverde (horn) and Toyin Spellman-Diaz (oboe), who told Allegro, "It was truly a gift to give the children an hour of joy. They grinned from ear to ear throughout the entire performance and responded to our questions with sweet thoughtfulness." Separately, Pedro Diaz told us, "I am thankful to the composers who rushed to the help of this project: Carlos Ponzio, Arturo Pantaleon and Juan Carlos Villaseñor. We hope to repeat this many times in the future." Photos by Richard Kaplan.



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MUSICIANS AT WORK



NORTH/SOUTH CONSONANCE ENSEMBLE

Musicians in the North/South Consonance Ensemble recently performed their annual holiday concert at Christ and St. Stephen's Church on West 69th Street. Funding for the concert came in part from the Music Performance Trust Fund, and musicians enjoyed the wages and benefits of a Local 802 contract. For more info, see www.northsouthmusic.org.

For information on applying to the Music Performance Trust fund for your own concerts or projects, contact Marisa Friedman at Mfriedman@Local802afm.org or (212) 245-4802, ext. 130.

BIG APPLE CIRCUS

"I'm grateful to be employed under a Local 802 contract for several reasons. First, I'm impressed by the knowledge, expertise and diligence of the team at 802 who negotiated a fair and thorough contract for our musicians. Their continued support and attention allows our musicians and myself to keep our focus on making music and maintaining our high performance standard. I'd also like to recognize the Big Apple Circus organization for its commitment to employing musicians under a union contract. This ensures both the highest level of professionalism and musicianship for its brand as well as the safety and security of a fair, competitive wage and benefits package for the members of the orchestra."

- Local 802 member Wages Argott, music director, conductor and trumpeter for the Big Apple Circus band.







By PETER ZIMMERMAN

podunkpete@gmail.com

ACK IN 1989, Buster Williams formed the first incarnation of his Something More quartet. Last year, he released the group's ninth recording, called "Audacity." It was a decade in the making and the bassist's 16th overall as the leader, over a career spanning some six decades. The current group features saxman Steve Wilson, pianist George Colligan and drummer Lenny White. "You've got to have audacity to do what we do, to even want to do what we do, to even imagine that it's all going to work," Buster explains. "At this moment in time, audacity is the description of my life." On a personal note, a mutual friend who plays the mbira tells me that Buster has always been very encouraging about her musical efforts, telling her to "be audacious - have audacity!"

Williams, a member of Local 802 for over 30 years, also performs with the Masters Quartet, which consists of Dave Liebman, Steve Kuhn and Billy Hart. In 2015, he recorded a tribute to McCoy Tyner ("Heads of State") in a band composed of Gary Bartz, Larry Willis and Al Foster. Over the past decade, he has also found time to play on sessions led by the drummer Willie Jones III ("My Point Is..."), saxophonist/clarinetist Jeff Lederer ("Sunwatcher") and guitarist Jaiman Crunk ("Encounters"), and worked with well-known jazz vets David "Fathead" Newman, Roger Kellaway and Wallace Roney, as well as lesser-known artists such as Meeco, Mary Stallings, Clifford Lamb and Thought Gang. He has even jammed with the London Symphony Orchestra. During this

CONTINUED ON PAGE 25

THE HEART NEVER BELIEVES IN LIMITATIONS'

The many lives of Buster Williams

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solo violin... it graced an entire festival performing chamber music with Stradivaris, Guarneris, Amatis and many other superb traditional instruments... It takes its place seamlessly in the company of great string instruments."

> Paul Rosenthal, Artistic Director, Sitka Summer Music Festival



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Music is not what comes from your head; it's what comes from your heart. What comes from your head doesn't necessarily move people, but what comes from your heart definitely does. 🤊 – Buster Williams

FROM PAGE 23

period, some of his earlier work - with Herbie Hancock, Grant Green, Stan Getz and Woody Shaw - has been reissued.

Buster's bass can be heard on four film scores, including Simone Signoret's "Les Choix des Armes," others by David Lynch and Spike Lee, and "McKenna's Gold," starring Gregory Peck. He has appeared with Branford Marsalis on "The Tonight Show" (the band covered five of his compositions) and did a cameo with Joe Williams on "Sesame Street." He has even graced a few jingles for Prudential, Budweiser, Old Spice and Alpo Dog Food.

Born in 1942 in Camden, New Jersey, Charles Anthony Williams, Jr. started out on piano and drums before learning how to play bass from his father. Buster's father was a tough taskmaster and Buster recalls many nights going to bed in excruciating pain, his fingers bleeding from so much practice. He was first inspired to take up the instrument at age 13, after hearing Oscar Pettiford's rendition of "Stardust." He especially liked Pettiford's physical approach, the way his fingers struck the strings. "The notes were unbelievable," Buster says, "but that squeak – it was just so personal. It was like a psychic event for me."

Buster scored his first paying gig in junior high playing in a band led by a saxophonist named Louis Judge; it paid "a nickel a night" (which was \$5). At the same time, he studied composition and theory at Philadelphia's Combs College of Music, as did, briefly, a young John Coltrane. (Sixty years later, Williams is now a professor at both the New School and the Manhattan School of Music.)

In 1959, he got his first "real" job with Jimmy Heath, a native of Philly, which is just across the Delaware River from Camden. The following year, Buster toured the country as a member of the Sonny Stitt/Gene "Jug" Ammons quintet, with whom Buster made his first two LPs. He spent most of the 1960s backing singers, including five years with "Fancy

Miss Nancy" Wilson, yielding four albums. Over the ensuing years, he has backed at least 17 other vocalists, such as Carmen McRae, Bobby McFerrin, Etta Jones, Sarah Vaughan and Shirley Horn; check out his beautiful work on the latter's "You Won't Forget Me," from 1991.

In 1967, Buster spent five weeks with the Miles Davis Quintet, subbing for Ron Carter, but he quit because the pay was too low, a decision he later regretted. The band also included his future bandmates Herbie Hancock, Wayne Shorter and the drummer Tony Williams. One cut survives from Buster's time with Miles, an alternate take of "Limbo," which wasn't released until 30 years later, on a six-CD box set of the trumpeters' Columbia recordings from 1965 to 1968. (Ron Carter plays on the version that appears on "Sorcerer.")

In 1969, after spending a few years with the Jazz Crusaders, he joined Hancock's pioneering fusion Mwandishi Sextet. Herbie took the name Mwandishi, which means "author" in Swahili, while Buster was called Mchezaji, meaning "player." This was the beginning of a lifelong collaboration and friendship with Herbie and Wayne, both of whom he introduced to Nichiren Buddhism, the practice created by a Japanese priest named Nichiren who lived during the 13th century.

While continuing to tour with Mwandishi, Williams also became a founding member of Sphere (the Thelonious Monk tribute band) and of the Timeless All-Stars, fronted by Harold Land and Bobby Hutcherson. He contributed his talents to four or more albums each with Kenny Barron, Larry Coryell and Benny Golson, and has worked with innumerable other artists, from the pianists Count Basie, Chick Corea, Erroll Garner, Hilton Ruiz and Mary Lou Williams, to horn players Lee Morgan, Kenny Dorham, Eddie Henderson, Rahsaan Roland Kirk, and on and on - the full list at www.busterwilliams.com reads like a veritable Who's Who of Jazz. A documentary of his career by filmmaker Adam Kahan, entitled "Bass to Infinity," has just been released; the next screening is on Feb. 16 at the Mid-Atlantic Jazz Festival in Rockville, Maryland.

Buster made his debut as a leader in 1975 with "Pinnacle," on which four of the five songs are Williams originals. In 1976, along with Hank Jones and Tony Williams, he earned a Grammy nomination for the Great Jazz Trio's "Love for Sale," and his "Crystal Reflections" was awarded five stars in Downbeat.

While any aspiring bassist could play Buster's gorgeous, turn-of-the-19th-century Hawkes Panormo upright - he also plays electric - no one can pluck and bow it like him.

"Buster's sound is immediately identifiable, rich and warm with impeccable timing and melodicism," says the trombonist Steve Turre, who has worked with him on many projects. "He is a master not only technically but creatively, too, always stretching the envelope, and his deep spirit always brings out the best in us."

"His sense of time is extraordinary," according to one of his many bandmates, the pianist Steve Kuhn. "Buster is very special, very talented. Playing with him is like being on a cushion."

In the words of a friend of mine who once studied with him, he has "the greatest sound in all of jazz." Indeed, to borrow from the old Mack Gordon song, there will never be another Buster.

On a cold, blustery winter day, I caught up with Buster over a plate of eggs at Jimbo's Hamburger Palace, located at the foot of Sugar Hill in Harlem. (I took the "A" train to get there!) He had just returned from a tour of Eastern Europe and was sporting a snazzy new black beret.

Peter Zimmerman: You've been a practicing Buddhist for almost five decades now. How have your spiritual beliefs affected your music?

Buster Williams: I believe that there's absolutely nothing in one's daily life that isn't part and parcel of the music that he or she plays. Your basic life condition, the emotions that you experience throughout the day, your anger and joy, your hopes, your sufferings and struggles – all of it becomes part of what comes out, when you put your instrument in your hands. You're not a different person when you're playing that instrument. And you're not two people, one who plays the instrument and one who lives the vicissitudes of life. It's all connected with the music, and the music is connected with your life experiences.

Let's say you've got five different trumpet players. Even though they're all playing the same instrument, you're going to hear a different tone quality. Some of it has to do with technique. Some of it has to do with one's ability, as far as where a musician is at that point in his effort. But the other is the sound that he hears in his head. The sound that you produce on your instrument is ultimately the sound that you hear, not a sound that you're necessarily trying to emulate or copy.

Because music is not what comes from your head; it's what comes from your heart. What comes from your head doesn't necessarily move people, but what comes from your heart definitely does. It took a certain virtuosity for Jimmy Blanton to play what he heard, but he had to hear it first. It took not only a creative mind but a daring one to say, "I'm going to break out of these limitations," and then this created whole new possibilities.

This music has been created by these creative minds. Sometimes you're not necessarily the innovator, but because of your creative mind and an openness to what is presented, you latch onto it and then start to develop it in your own way. That's what gives us these unlimited possibilities. Because of these great people who came before us, the only

CONTINUED ON PAGE 27



You have to develop your strength, your technique and your confidence, and you have to release yourself of inhibitions. * - Buster Williams

FROM PAGE 25

limitations are the ones that are in our own minds. The heart never believes in limitations.

Peter Zimmerman: I love that album you made with Dexter Gordon called "Generation" with Cedar Walton, Billy Higgins and Freddie Hubbard. Can you tell me about your longtime association with Cedar?

Buster Williams: I don't remember the first time I played with Cedar, but he was a big influence on me, because Cedar was sort of a no-nonsense kind of guy, straight to the point. He knew what he liked and what he didn't like: you never had to second-guess Cedar. There was a real joy in playing Cedar's compositions, because of their individuality. Every time I heard a Cedar composition, I knew it was his, but not because they sounded alike. In fact, they were all totally unique and different! And the hookup of Cedar and Billy Higgins was just amazing. The marriage was Cedar and Billy. They were made for each other. So for me to be put in the middle of that was such a great honor. Because not only was Cedar a master, but Billy Higgins was a master, too. In my career, that's been my greatest fortune, that I've been able to play with these brilliant people, who made me challenge myself and taught me so much.

Peter Zimmerman: Did vou know that when that album was recorded in 1972, Dexter was 50 years old and you were only 30?

Buster Williams: Well, I tell you, as I've gotten older, I've thought more about how old these people were who I was playing with and realized that they were young, too. When I played with Miles Davis, I must have been 25 or 26, and Miles was in his early forties. But I never thought of it in chronological terms. They were my heroes. So I was able to walk with my heroes, and talk with my heroes. I was able to dwell on the same level with them. I mean, there wasn't a time that I played with Cedar that I didn't learn something. When I

played with Dexter, or Freddie Hubbard, I learned something every time.

When I first met Dexter, to me he looked like a giant descended from Heaven. And he was so gracious. It was at the Jazzhus Montmartre in Copenhagen. I was in Europe for the first time in my life, in 1963, with Sarah Vaughan. We were playing at the Tivoli Gardens. And Dexter was at Montmartre, playing every night. And I went every night! The first time I met Dexter, Niels-Henning Ørsted Pedersen was the bassist, and I'm meeting everybody for the first time, and Dexter just embraced me, you know. And he was changing the reed on his saxophone. And he looked at me, and held up one of the reeds, and gave it to me. To this day, I have that reed.

Peter Zimmerman: Was it one he didn't want?

Buster Williams: Well, of course! He wouldn't give me a good reed! That's a rarity - a good reed! So he let me sit in with him that night, and then I came back every night and he had me play with him. I was just so honored, man. But that's the way these guys were. Their music was their humanity, and their music was their humbleness. They were servants to the music, and from them, I learned the real positioning of things and the attitude that's best, to be able to constantly advance with this music. The music is the master, and we serve the music. And that's what I learned from them. I never got the feeling from any of these great people who I played with, that they were above the music.

Peter Zimmerman: Speaking of Dexter, he was famous for quoting other songs. In your version of "Sophisticated Lady," you quote "Mona Lisa." What in your opinion is the purpose of quoting?

Buster Williams: Ouoting is not necessarily something that you plan to do. Maybe you do it and you like it, so you do it again. But the music that we play comes from 12 basic notes. And I don't care whether it's jazz or music from the Himalayas - it's all these 12 notes. Alterations of these 12 notes, but these 12 notes. And when you're playing, you're not reinventing the wheel, necessarily. So, when you play a sequence of notes, you've heard these notes somewhere before. For example, "Autumn in New York" and "Moonlight in Vermont." When you listen to those two songs, you can superimpose one over the other. They're sort of the same song.

While you're playing, it's easy for something that you've heard to pop into your mind, and it comes out in your horn, or through your fingers. Many times the audience thinks, "Oh, that's the song that he's playing." They say "I heard you playing 'Moonlight in Vermont," but you were playing a totally different song. But you only played a phrase from "Moonlight in Vermont"! [laughs]

You don't necessarily want to get into such a habit of quoting that your solo becomes just a collection of quotes. But sometimes it can't be helped.

Peter Zimmerman: How did you get your sound?

Buster Williams: It really comes from my father's instruction. He taught me that the most important thing is, first of all, the sound that you get. I mean, what is it that we strive for when we first pick up an instrument? To get some kind of sound. And that sound is very primitive, raw and unsophisticated. But there's such a great joy when you finally get a sound. So you're going to work hard, over a period of time, to get a sound. Then, when you get that sound, now that's a great revelation, a great accomplishment.

So now you've got something to work with. How can I perfect this sound imbue the sound with sophistication? The bass is very physical. The first sound that you get is just an indication of the possibilities. So then you have to develop your strength, your technique and your confidence, and you have to develop your daringness and release vourself of inhibitions.

Peter Zimmerman: This reminds me of the song that you recorded with Betty Carter called "Sounds (Movin' On)."

Buster Williams: Betty wrote some really nice songs and that one was very personal to her, from her own experience and her own heart. She sang the way she felt, and wrote according to the way that she wanted the world to be. Betty could sing both extremely fast and extremely slow – she had the full gamut. But these songs were written from her own experience, and her own heartache or her own joy.

Peter Zimmerman: Your bandmate Steve Kuhn told me that your biggest strength is walking a bass line, but can't a lot of bassists walk?

Buster Williams: I hope it's my strength! I mean, ultimately, that's the bottom line. So when you say that all bass players walk, it's the way you walk that determines a lot - I daresay your own success.

Peter Zimmerman: Bob Cranshaw once told me that his job as a bassist was to "lock it down."

Buster Williams: The bass player has a function, and they can do what no one else in the band can do. If the drummer and the bass player don't do certain things, they won't get it done. The piano player also has a different function, and if they don't do what they're supposed to do, then that job doesn't get done. The strength of a player is how far can you go without sacrificing your function? I tell my students, "If you don't want to play the root and the fifth, or the third – if you don't want that to be your function, then don't be the bass player!" But don't think that just because you've got to play the root or the fifth or the third, that your creativity is stifled. I could say, "I could do so much more if I were six feet tall, and my arm span was at least 15 feet," you know? That's not gonna happen. But what you can do with what you have is unlimited. What you do have can either be seen as

CONTINUED ON PAGE 29

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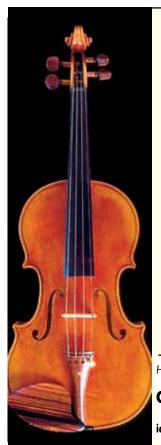
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The fact that we've had a black president doesn't change race relations or the way that bigoted people think. " - Buster Williams



FROM PAGE 27

your asset, or not. And then, what you're going to produce in life is determined by how you see yourself.

Great things have been done by small people. It's not about the size of your brain, it's about how you use it. When we talk about having a big heart, the truth is that nobody wants a big heart, everybody wants a normal-sized heart. But the vastness of that heart differs from one to another, depending on a person's perception of things and view of his own humanity.

Peter Zimmerman: Can you tell me more about your experience with Nichiren Buddhism?

Buster Williams: My sister Toni introduced my wife Ronnie to it, and we began chanting nam-myoho-renge-kyo, which [in Japanese] means total devotion of mind and body. By chanting this mystic law, we open up the Buddha nature inside of us and align or fuse ourselves with the great Buddha nature of the universe. This allows you to really change your whole perspective and perception and to open up that pie in your life, to accomplish what you want to accomplish. As I said before, there's no experience in your life that doesn't affect your music. The truth is, this vast universe is a macrocosm - in other words, it's unlimited - and human life is the microcosm of this macrocosm. The potential in an individual human being is no less than the potential in the universe itself. Let's say you've got a sweet potato pie. When you take a slice, this is your slice, Peter, and this is my slice. Your life is not a slice of this pie. Your life is this pie.

Peter Zimmerman: You came up during the Civil Rights movement. Do you think we've made any progress in terms of race relations since then?

Buster Williams: A lot is better, but then a lot is not so good. It's interesting that each era presents its own problems. The fact that we've had a black president doesn't change race relations or the way that bigoted people think. A racist is a racist, and a racist society is a racist society, not only because of the people who exist in it, but also the laws that exist. This country was built

on a segregation concept, a segregation premise. It's written into the laws, the way that Wall Street conducts itself, and the way that education is presented. Look at what's happening with health care. It's amazing! We have a large group of people in this country who don't believe in health care for everyone, only for certain people.

Racism extends not only to black people, but to all minorities. I can feel it differently than you, because you don't look like me. It's got nothing to do with whether you're white and I'm black, because I can be just as much of a racist as you. It's a natural thing, that dogs don't like cats and cats don't like dogs, so when we see dogs and cats getting along, we're all so amazed - isn't that wonderful! Is that so much different than the human species? Not at all.

Because when you really analyze why it is that we have a problem with one another, it's like peeling away an onion skin: you never get to the core. In other words, there's no reason for it, especially in this day and age, other than that it's been ingrained in you to hate me, and in me to hate you.

This would be a long conversation and we don't have time to do it today. But you cannot understand a person's experience – I don't care what color he is – you can't understand a person's experience through encapsulation, you know, in one paragraph. Our experiences are so rich.

I take my Mercedes to a mechanic from the Czech Republic, and sometimes we sit and talk about his experiences, how he escaped when he was 17 years old and what he had to go through. And I'm in awe. He talks about things that I can't even relate to. So I don't discount anybody's experience.

Peter Zimmerman has previously contributed to Allegro with tributes and profiles of Clark Terry, Yusef Lateef, Hugh Masekela, Cedar Walton and Bobby Porcelli. His interview with Buster Williams was excerpted from his forthcoming book "The Jazz Masters: Setting the Record Straight" (University Press of Mississippi, spring 2021). Peter Zimmerman can be reached at podunkpete@gmail.com.



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BLACK HISTORY MONTH

How black musicians helped reform Local 802

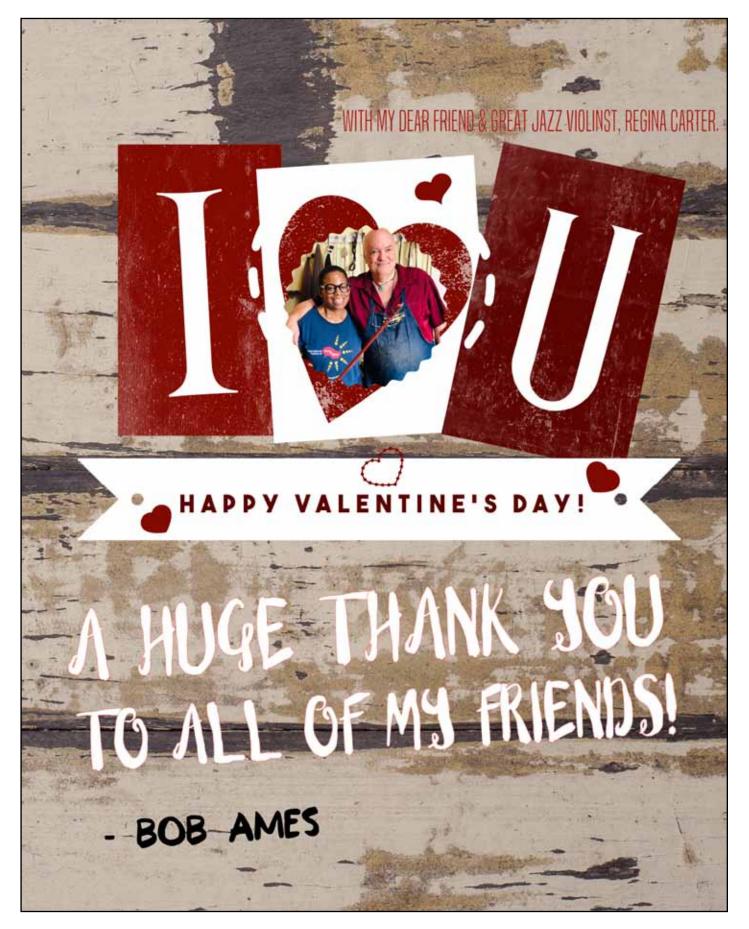
During the Great Depression, many members of Local 802 perhaps the majority - became disillusioned and disgruntled.

They played jobs below union scale, making secret deals with employers and undercutting their colleagues. This practice, called "chiseling," could get employers picketed and musicians kicked out of the union. A black musician who had been in the union for nine years said in 1935, "The morale of the members has been so broken down by chiseling in and underbidding union wages by both Negro and white members that to be a union man means about nothing to me now." Disgruntled with the inactivity, corruption and sheer uselessness of their union, many members, black and white, fought back through chiseling and made reform a necessity.

A smaller, but significant number took direct political action...

CONTINUED ON PAGE 33

By JACOB GOLDBERG



Local 802 musicians found that activism using racial solidarity was strategic and effective.

FROM PAGE 31

In January 1928, black musicians sent a petition to the union's governing board. Its content remains unknown, but the board perused it, acknowledged the political activities of its "colored members" and, then, from all indications, never responded. No doubt black musicians voiced some of the same complaints that white musicians or, for that matter, all workers did: they too wanted jobs, shorter hours, and better pay. But black musicians probably also demanded specific redresses. They probably protested the failure of the union to employ more than one black delegate, the corruption of its officials, and the union's apathy when club owners refused to hire black musicians. They probably protested the refusal of certain bands to hire black musicians and the decreased job opportunities they found for recording sessions.

And when the union proved intransigent to their demands, black musicians formed new organizations and established a base for continued agitation against the union administration. The Colored Artists Bureau, established in 1934, made contacts, generated jobs, and strove to keep black artists working. More importantly, the Rhythm Club of 168 West 132nd Street, established around 1930, emerged as the meeting place and safety net for newly arrived and established black musicians. It became, for all intents and purposes, the center of the black music community.

"As soon as you'd get up in the morning, and you want to go for socializing in the afternoon, you'd go to the Rhythm Club," recalled the guitarist Lawrence Lucie. "It was the greatest musicians' club in Harlem. All the musicians used to go there every day and exchange ideas and talk and get gigs. That was where you'd get your club dates."

Before long, the club's owner Bert Hall had become a leading activist among black musicians and a vocal presence at Local 802.

Hall had arrived in New York from Chicago in 1928. Born in Maryland in 1893, he learned the trombone and began a peripatetic career in the busiday's executive board.) The first time he lost outright; the second time, though he won enough votes, members of the board refused to serve with him out of racial prejudice.

But Local 802 needed support from black musicians and needed someone willing or able to control the Harlem business or, at least, bringing the practice of "chiseling" (playing below union scale) under control. In 1931, Local 802 Chairman Edward Canavan employed Hall as business agent for the local, and Hall became the first African American ever to hold such a position. By October,

forum in which black musicians could organize their complaints. As the first black business agent to the local, he combated racial prejudice in its administration and provided a model for black representation in the union.

Following Hall, a few committed black musicians played a more central role in the union. They allied themselves with an incoming administration and represented Harlem musicians. They would alert the governing board to problems in Harlem, make suggestions for how to improve jobs, and guide black musicians' through the unions' complicated loopholes. These men supported struggling black musicians and sustained the careers of those who flourished. But Hall provided the model and the precedent. After him, black musicians could not simply be ignored.

Reform movements gathered speed within the local, crossed ethnic and racial boundaries, and began to force the union to become a more democratic organization. It may be hard to believe now, but at the time, members of Local 802 weren't allowed to elect their own representatives: the AFM appointed its governing board. As musicians became more disgruntled with their organization, they attacked this provision and sought control over their local. Given the crisis of the profession and the radicalized environment around the local, it was almost inevitable that some reform movement would develop.

Local autonomy emerged as the reformers' central cause as a rift grew between the New York local and the rest of the country. While Local 802 musicians had an integrated membership, AFM unions outside New York uniformly opposed interracial cooperation and often acted in overtly racist ways. In 1932, the national body of the AFM stipulated that black locals could only exist as "subsidiary" locals. The Federation ruled that black and white musicians could only "mingle for professional purposes with consent of both locals" and that the white locals could bring black musicians up on trial. The Federation's provision drew the attention and attacks of the NAACP, which called on every self-respecting musician to fight the AFM's provision.

The NAACP had good reason. Most AFM locals drew a strict color line. Only one other AFM local besides Lo-

6 While Local 802 musicians had an integrated membership, **AFM unions outside New** York uniformly opposed interracial cooperation and often in overtly

racist ways 99

ness. In Philadelphia, he led a group called Bert Hall and His Jungle Band. In Chicago, he played freelance jobs. But when he got to New York, at the outset of the Great Depression, he found work less reliable as a player than as a hustler. He worked as a gambler and as a booking agent until somehow gathering the funds to purchase a club underneath the Lafavette Theatre then called the Hoofers Club after the dancers who spent their after hours on its premises. He renamed it the Rhythm Club, and it quickly emerged as the first and most respected stop for many black musicians newly arrived in the city. As he assumed more power among black musicians, Hall began to take an active role in Local 802.

Around 1930, Hall had run unsuccessfully for the Local 802 governing board twice. (This was the predecessor to tohe had proved his worth. Hall submitted reports on dancing schools in Harlem, made suggestions on how to improve working conditions, and brought delinquent employers to the attention of the local. "Bert," said the guitarist Danny Barker, "introduced many reforms in Local 802 that were for the protection of its Negro members who, lots of times after working in clubs owned by racketeers, were doubtful of getting paid until the money was in their hands."

But just as Hall began to bring reform, he died a sudden and untimely death. Sick for only one day, Hall, barely 40 vears old, succumbed to a heart attack and left his work incomplete.

In his short time in the New York music scene, Hall initiated several important changes. With the Rhythm Club, he established a central, cohesive African American musicians' organization - a

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CONSTANTINE KITSOPOULOS







Black musicians had their first serious chance to reform the union from within

FROM PAGE 33

cal 802, Detroit's Local 5, had an integrated membership, and white locals outside of New York often forced black musicians off the job. In the summer of 1933, for instance, when the black Local 802 trombonist Clyde Bernhardt tried to play a job with a black band in Atlantic City, white union delegates forced him out. "On the first day, the union delegate came in and gave Tebbet [the bandleader] a bad time," remembered Bernhardt. "Didn't want no black band in Convention Hall, he said. The union was all-white, the management was white, the production was white, and the walkers [patrons] didn't take to blacks walking alongside of them, either. So, I was not surprised." For black musicians to gain some authority in New York, then, they would need more separation from the Federation.

Facing the deepening crisis of the Great Depression, all members – white and black - demanded some change. Calls for autonomy and, with it, overarching reform of the union spread throughout the membership. In April 1932, over 2,000 members signed a petition to discuss local autonomy at an open meeting. In May, 100 musicians staged a musical protest to give Local 802's delegates to the annual AFM convention a surely politicized and probably intimidating send-off. In October, 274 musicians sent a petition requesting a reduction in price scales. In December, members organized the "musicians' welfare league," probably an organization aiming to provide more unemployment relief.

Through these efforts, shortly after Bert Hall's death in 1932, musicians opened several positions on the local's governing board and trial board to a democratic process. Candidates now competed for six governing board positions, for the nine trial board positions,

and for representation as delegates to the AFM and the Central Trades and Labor Council. Though the Federation still appointed Local 802 chairman and many on the board, a number of reformist political parties sprang up within the union, and, importantly, campaigned across ethnic lines.

At first, the most aggressive and successful of these parties was the Original Ticket or the Original Yellow Ticket. Their leader was a longtime Jewish member named Louis Weissman, and their platform focused on the continued push for local autonomy. Weissman's group ran against two other parties: a conservative party whose name remains unknown and a more radical group called the Blue Ticket. But Weissman was the first to actively seek out black members' support. On a Monday night at 2:30 a.m. in December of 1932, Weissman convened a campaign rally at a Harlem venue, Carev's Democratic Club, enlisted the support of the black press, and put the ragtime composer Joe Jordan on his ticket. In the winter election, Jordan became the first black member ever elected to a union leadership position. From his election onward, white musicians seeking to change the administration made alliances with black musicians and included them as representatives.

As a result, black musicians had their first serious chance to reform the union from within. As a trial board member. Jordan was expected to judge disputes between sidemen and leaders. He went far beyond his duty. For the year 1933, Joe Jordan became Local 802 in Harlem. He contacted employers and set up meetings with Local 802 officers. He asked about conditions, learned about agreements and helped individual members, like the singer Adelaide Hall, receive permission from the union to work. By July, he had devised

a plan to increase employment. Black house bands from Washington D.C., he found, would play at the Harlem Opera House and leave the Howard Theatre, in Washington, either unoccupied or with Washington musicians. Jordan arranged for the Howard to employ New York musicians when the Howard musicians came to New York. And then he considered pushing it further, employing New York musicians in Philadelphia when Philadelphia musicians came to New York. The plan, however effective or not, demonstrated the importance of black musicians' networks outside the city to its black musician leaders inside of it. Jordan could never have arrived at such an idea or made such a compromise without communication and support from black AFM locals in Washington and elsewhere.

But whatever Jordan's efforts, the Yellow Ticket administration had little success in gaining autonomy. In June 1933, several delegates from Weissman's administration petitioned the Federation for self-governance of the local. The Federation roundly dismissed their appeal, claiming that the local had functioned well enough without self-government, and that it would descend into "destructive factionalism" and "violations of the laws of the Federation." And Weisman returned to New York to face an increasingly political membership.

After the 1932 election, agitation for autonomy and reform grew. The men who had run on the Blue Ticket began an aggressive campaign to politicize the membership and make more militant calls for autonomy. A group of these musicians called "the Committee of Fifteen" took over the insurrection and radicalized its demands. They called for unemployment insurance from the union as well as autonomy and an end to corruption. Overwhelmingly, they drew support from leftist political groups in New York. The dissenters, wrote trumpeter Murray Rothstein, himself an activist years later, "had help from other trade unions, labor lawyers, the American Civil Liberties Union, and even the Socialist Party."

The Committee of Fifteen represented a broad spectrum of musicians, including Bill Conway, an African American. Conway had forged a career as part of the now mostly forgotten "Conway Brothers Radio Team," but he had risen in black musical circles at the Rhythm Club, where he served as its main booking agent. He was, so far as Local 802 was concerned, Bert Hall's chosen replacement and in allying himself with the Committee of Fifteen would emerge as the first black executive board member in the local's history. He joined with musicians of wide experiences. The oldest was the violinist Henri Conrad, born in 1870, who had served as president of the MMPU, the predecessor to Local 802. The most vocal was William Feinberg, who would later serve as secretary for many years. Some may have had ties to the Communist Party. They hired Joseph Brodsky, a Communist lawyer, who would serve on the team that defended the Scottsboro Boys several years later, and they may have printed some of their leaflets on Communist stationery. But whatever their true political beliefs - and probably they ranged from the moderately leftist to the radical - the Committee of Fifteen worked for autonomy and reform almost tirelessly.

They built support through most of the membership. In April 1933, a membership meeting passed a resolution calling for self-government. The members argued on grounds of power, of precedent and internal grievance. They noted that Local 802 made up 15 percent of the AFM. Every other local had

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FROM PAGE 35

the right to self-government through election of officers. Since New York musicians lacked such a right, the union had ceased to function effectively. Thus, "we, the members of Local 802," they said, "protest against the present form of government of this Local and demand the absolute right of Local Autonomy now enjoyed by every other Local of the A.F. of M." In response, the Federation made a small concessions. It allowed the local to hold monthly rather than quarterly membership meetings, a change that only fueled the insurrection.

At the monthly meeting in February 1934, the Committee of Fifteen managed to push through a resolution calling for a secret vote to determine whether members favored autonomy or opposed it. On March 12, the administration tallied the vote and found the response near unanimous. Of 3,855 who voted, 3,728 voted for autonomy and only 127 against it. The Committee of Fifteen pushed forward. On March 19, the membership passed another resolution to elect a Committee of Eleven to draft revised bylaws for the local that would ensure self-governance and elect another committee, also of eleven, to make plans for free elections to the governing board positions (then appointed by the AFM) and for the secretary, treasurer and president of the local. The Committee of Fifteen almost all won election to these committees. Conrad and Feinberg won seats on the bylaws committee. Conaway was elected to the election committee. A special membership meeting was scheduled for April 2 for members to ratify the new bylaws. The election was planned for April 13.

The AFM administration resisted. On March 28, the Federation refused to allow the meeting to take place and threatened the local with expulsion. If the April 2 meeting went ahead, the Federation threatened to revoke the local's charter, much as it had done in 1921. When the Committee of Fifteen tried to organize the meetings without the consent of the AFM administration, the AFM decided to expel the 15 musicians from the local. The 15 brought a lawsuit to the Bronx Supreme Court and before Justice Ernest Hammer. Hammer proved a liberal ally. In his decision, he defended the activities of the 15, reinstated their position in the union, and called for labor solidarity. It was time, he

66 For African **American** musicians, the fight for autonomy cemented their place in Local 802 and its administration 99

wrote in his decision, for "workingmen and labor unions to hold close their ranks in these trying days of depression and labor difficulty...the knowledge of the present lack of employment and the low state of the funds of workers should be to union tribunals a guiding influence to leniency rather than severity in decision and sentence."

Beaten in the vote of the membership and in the courts, the Federation had little option but to accede to demands for autonomy. At the annual convention in June 1934, the Federation at last granted self government to Local 802. It was not carte blanche. The Federation reserved the right to appoint its chairman for another two years. The first election for union president would come only in 1936. In a stab at the Committee of Fifteen, the Federation protested the "un-American communistic propaganda among its members" and put in a provision that the local would need to vote as to whether it approved of "communistic agitation within the union or that communists be members of the union." But, in most ways, the membership and the Committee of Fifteen had won an important political battle against the

administration of the Federation. Members had forged a coalition across ethnic and racial lines to take control over their union. They took their first efforts to address the crisis engulfing their industry, and they brought their first democratically elected administration into office.

MMEDIATELY, THE CHARACTER of Local 802 changed in two ways. First, the local became more politicized. It called for members to be more involved and more committed.

In January 1935, Allegro exhorted: "Brother Members: You now have the opportunity to create and regulate the policies of your Local. This right was achieved after a long and bitter struggle. Newly won rights bring new responsibilities....Your greatest safeguard and your greatest strength is your voice and your vote at monthly membership meetings...Attend the MONTHLY MEETINGS of your local."

Local 802 members also became involved with politics outside of the limited concerns of its own. The older leadership had pleaded strict political neutrality. "As long as we are members of 802," said Louis Weissman, "absolutely no political organization or anybody is going to inject politics into this organization, either Democrats or Republicans bringing in an outside group."

But the group of 15 seemed to take clear political sides. They supported Franklin Roosevelt, drew members' attention to broader political issues, and supported and even ran candidates for civic office.

But perhaps more importantly, the new leadership imbued the local with an energy and effectiveness it had not seen since before the 1920s. The leaders pledged to stop kickbacks. They campaigned against chiseling. They converted Allegro from a dry, slim fact sheet, into an effective voice. They editorialized and advertised, gave accounts of their actions, and made connections with other activists throughout the city. And, for the first time in over a decade, Local 802 became truly accountable to its membership and committed to the musicians' cause.

For African American musicians, the fight for autonomy cemented their place in the local and its administration. When the local had undergone political changes before - when it had joined the Federation in 1902, when it became Local 802 in 1921 - black musicians had been at its periphery. When the local gained autonomy on Dec. 20, 1934, they joined in the movement at its center. Members elected Bill Conaway as the first black executive board member. The new, interracial administration appointed two black business agents: a saxophonist named Ralph Redmond, and a former bandleader named Jimmy "Peekaboo" Davis. And within the year, the administration began lending support to Harlem community organizations. In August 1935, the Harlem Labor Committee asked the local to donate money and members to its relief fund. The local bought five tickets for a relief raffle and gave them to several black members. It was a small act at the time but a harbinger of things to come.

This article was condensed and edited from a thesis written by Jacob Goldberg for Amherst College in 2008, entitled "Swingin' the Color Line: African-American Musicians and the Formation of Local 802." The thesis is available as a book for purchase at www.lulu.com. The author can be reached at **igoldberg08**@ gmail.com.

LOCAL 802 ARTIST RIGHTS CAUCUS

THE CASE ACT CAN HELP MUSICIANS

If Congress can pass this bill, we could see a low-cost "small claims court" to fight copyright violators

By KEN HATFIELD

■OR THE MUSICIANS who remember what our industry was like before the digital paradigm shift, it is abundantly clear that others are now profiting even more from our work than we are. This is especially true for recorded music. For those who have only known the music world since the digital revolution, let me assure you that it doesn't have to be this inequitable!

While there is no silver bullet that will fix what ails the music business, there are several legislative remedies on the horizon that will be very helpful.

We at the Local 802 Artist Rights Caucus have been engaged in creating a series of educational articles designed to inform the Local 802 membership about issues we face in the digital realm and about various legislative remedies, in the hope of rallying the membership to support the remedies, oppose the inequities and engage in concrete actions demonstrating support for artists' rights. After all, complaining about things we are unwilling to put forth effort to fix is the definition of futility. By the way, musicians are not alone in this fight: we have solidarity with other content creators.

There is currently a legislative remedy pending in Congress that needs our support. This bill is called the CASE Act. (Its name is an acronym for Copyright Alternative in Small Claims Enforcement.) The CASE Act will empower musicians to protect and enforce their rights. Let me explain why we need it and how it is designed to work.

For many photographers, filmmakers, authors, songwriters and other content creators, defending our rights is simply not feasible, because litigation is cost prohibitive. Merely sending a copyright infringement letter will typically cost you somewhere between \$1,500 and \$3,000. An essay by University of Pennsylvania Law School Professor Shyamkrishna Balganesh published in 2013 in the Columbia Law Review states: "As of 2011, the average cost of litigating a copyright infringement case through trial, for either plaintiff or defendant...was estimated to range from \$384,000 to a staggering \$2 million." It's likely to be even more cost prohibitive now.

If you win a federal copyright lawsuit, in theory your legal fees are awarded at the discretion of the presiding judge. However, in a recent decision (Rimini Street v Oracle), the Supreme Court interpreted the term "full costs" as used in the Copyright Act to mean not all costs incurred in the litigation. This means few musicians can afford the risk or expense required to pursue a copyright lawsuit.

Laws and rights that one cannot afford to enforce are ineffective at best. Put another way, justice delayed is justice denied. We need an alternative to expensive full-fledged federal copyright lawsuits when our rights are infringed.

The CASE Act is that alternative. It will establish a Copyright Claims Board within the United States Copyright Office to adjudicate copyright claims, thus putting an affordable form of justice within our reach. This will protect our rights and help us get paid for our work! However, the law will require the copyright violator to opt in to the process. This could ultimately mean that the CASE Act may prove to be more effective in addressing good faith actors than the bad guys. Nevertheless, it will still be one of several useful paths to justice.

The Copyright Claims Board will be overseen by three Copyright Claims Officers appointed by the Librarian of Congress. The CASE Act limits damages to \$15,000 per work and \$30,000 total per claim. Copyright owners must have

their works registered with the U.S. Copyright Office to be eligible to file a case.

The Copyright Claims Board will essentially be a small claims court that makes it cost effective for us to defend the rights we have under the copyright law. It will require vigilance, because the burden will still be on musicians to seek out copyright infringement and assert their rights. But I suspect the fact that enforcement of our rights will finally become cost effective and feasible under the CASE Act will change the environment so we can all have each other's backs.

I encourage you to be skeptical of claims from big tech astroturf shills like the Electronic Frontier Foundation, Public Knowledge, and the Authors Alliance. These and other techfunded groups oppose the CASE Act and all other legislative remedies designed to protect artists' rights. They are busy obfuscating the truth by proliferating bogus arguments claiming the CASE Act will allow big record companies to "bully" the poor tech companies into paying sums they cannot afford via illegitimate copyright infringement claims. On July 30, 2019, Copyright Register Karyn A. Temple responded to such criti-

cisms in a statement to the Senate Judiciary Committee Subcommittee on Intellectual Property, saying: "I am pleased to note that the legislation that was recently passed out of the full Senate Judiciary Committee contains several provisions to help address these concerns... These provisions, combined with the extensive notice requirements and due process safeguards for respondents, would provide important safeguards against the use of the CCB [Copyright Claims Board] by bad faith claimants."

In an earlier statement to the House of Representatives Committee on the Judiciary on June 26, 2019, Ms. Temple expressed the U.S. Copyright Office's support for a small claims tribunal system, stating that "...lowdollar but still valuable copyrighted works are frequently infringed with impunity, and individual creators and small businesses often lack an effective remedy... [to address such infringements]. For this reason, the Copyright Office strongly supports a small claims tribunal structured along the lines of the proposal detailed in the Copyright Office's 2013 report." This referenced report entitled Copyright Small Claims was overseen and submitted by one of the artists' rights movement's strongest advocates: former Register of Copyrights Maria Pallante. Reading it, I was struck by how much it informed the CASE Act.

The CASE Act has bipartisan support from groups as diverse as the AFM and Local 802, the Copyright Alliance, Pro-

fessional Photographers of America, American Society of Media Photographers, International Authors Forum, the Authors Guild, the Graphic Artists Guild, the NAACP, AFL-CIO, the American Conservative Union, the American Bar Association, the U.S. Chamber of Commerce, plus a multitude of independent content creators and small businesses throughout the United States. Supporters of the bill concur with the Copyright Office's findings that the Copyright Claims Board will provide a more financially accessible option than federal court for those with limited financial resources seeking to defend their copyrights. It will also be capable of assessing whether or not use of a copyrighted work constitutes fair use, which will protect good faith users from frivolous litigation, thus addressing the bill's opponents' concerns about trolling.

Finally, we should all thank Rep. Hakeem Jeffries (D-NY), because the CASE Act is his initiative, and without his efforts it would not exist. and without our support it may not become law! So, we urge all musicians to support the CASE Act.

P.S. Please come to the next meeting of the Local 802 Artist Rights Caucus on Monday, Feb. 10 at 4:30 p.m. in the Executive Board room of Local 802. E-mail us at artistrightscaucus@gmail.com.

Guitarist Ken Hatfield is the co-chair of the Local 802 Artist Rights Caucus. He has been a member of Local 802 since 1977. Reach him at www.KenHatfield.com.

THE CASE ACT: A TIMELINE

The CASE Act (H.R. 2426) was reintroduced on May 1, 2019, in the U.S. House of Representatives by Hakeem Jeffries (D-NY) and Doug Collins (R-GA), and first introduced in the Senate (S. 1273) by Senators John Kennedy (R-LA), Thom Tillis (R-NC), Dick Durbin (D-IL) and Mazie Hirono (D-HI). Original House co-sponsors include House Committee on the Judiciary Chairman Jerry Nadler (D-NY) and House Committee on the Judiciary Intellectual Property Subcommittee Chairman Hank Johnson (D-GA), as well as Martha Roby (R-AL), Judy Chu (D-CA), Ben Cline (R-VA), Ted Lieu (D-CA), and Brian Fitzpatrick (R-PA).

On Oct. 22, 2019, the House passed H.R. 2426 (the CASE Act) by a vote of 410-6, with 15 abstentions.

On Sept. 12, 2019, the Senate Committee on the Judiciary approved the measure without amendment. But as of this writing, Senator Ron Wyden (D-OR) has a hold on the bill, an issue which our recent e-mail blast to Local 802 membership was designed to address.



Shmuel Tatz, PT, PhD Daniel Padmos, MM, PTA



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Bryan Lee

HOW BRAINWAVES AFFECT **MUSICAL PERFORMANCE**



■HERE ARE FIVE different types of brainwave patterns that affect a musician's level of performance. They are called delta, alpha-theta, alpha, beta, and gamma. Each frequency can be measured on an electroencephalogram (EEG) in cycles per second (otherwise known as Hertz) from 1 (delta) up through 100 (gamma). Understanding the sleep cycles and brainwave patterns can positively affect the way musicians use their brains.

The first stage of sleep is feeling tired and wanting to go to sleep. The second stage begins with lying down, then the muscles begin to relax, while the heart rate, respiration, and brain activity slow down. Conscious thinking fades away and then stops. In the third and fourth stages, people fall into deeper states of unconsciousness. The fifth stage registers the lowest delta wavelengths (1 to 3 cycles per second), there is minimal brain activity, with little or no body movements. This can last from 70 to 90 minutes.

After stage five, sleepers begin to get restless and start to move to find more comfortable positions. As they do, they transition back through the other stages towards a state of near wakefulness. However, instead of waking up, their breathing, heart rate, and eye movements begin to increase. That's when they enter into the dream state of rapid eye movement (REM) sleep. The initial REM period lasts about 10 minutes, and marks the end of an entire sleep cycle, which takes about two hours. Then another one begins.

With each repetition of the cycle, the REM increases in depth and duration, with progressively less time spent in the other four stages. That's when the brain switches into the alpha-theta pattern (4 to 7 cycles per second). The alphatheta state can happen in two ways. The first is while sleeping and may involve lucid dreams, vivid images, convoluted reasoning, dramatic storylines, or deep emotions. The second way to create the alpha-theta pattern is through visualization, mental rehearsal, or guided imagery, which engages the brain's visual cortex with chosen pictures or selfdirected mental movies. When these techniques are done in a very relaxed physical state, they produce alpha-theta patterns. Studies with athletes and musicians show that when these mental activities are done repeatedly, they result in improved physical performance.

After the dream stage, the mind returns to stage two and the beginning

of another two-hour sleep cycle. Ideally you will have four of these sleep cycles on a routine basis, and even five in the days before important performances and auditions. Recent research at a sleep clinic examined the mental alertness and ability to focus in adults who normally got about eight hours of sleep every night. When they increased their sleep to nine and ten hours a night, they were more focused and mentally alert, with faster information processing speed and quicker physical reactions, with more accurate perceptions of changing external conditions.

Upon waking up, before thinking about your long to-do list, some may experience the peaceful state known as "reverie." While comfortably lying there semi-awake with eyes still closed, the brain is in the alpha state. Alpha waves (8 to 12 cycles per second) appear smooth and flowing on a graph. This pleasant state of mind does not last very long. The mind soon switches into beta patterns and normal waking consciousness.

Beta brainwaves originate in the left hemisphere with frequencies that are measured at 13 to 40 cycles per second. The beta waves look like a series of rapid, jagged spikes. The highly active beta state of overthinking is the normal state of waking consciousness in our busy world, but it doesn't help if you are a performer trying to focus on music under

pressure. Simply put, beta patterns of rapid left-brain thinking cause problems for musicians. These are also accompanied by a loss of rationality and the inability to focus. High beta is the opposite of a quietly focused alpha mindset.

Low frequency beta waves (13 to 20 cycles per second) are indicative of mental uneasiness or mild states of anxiety. Mid-frequency beta waves (21 to 30 cycles per second) are exhibited in people when they are experiencing extreme anxiety. The highest beta waves (32 to 40 cycles per second) are associated with panic attacks, anger, and rage.

Concentration cannot occur when the left-brain is actively engaged in beta. Beta type of thinking includes analyses, judgments, criticisms, blame, worries, and continuous doubting, rationalizing, commenting, giving instructions, etc. This causes the left-brain to race at even higher speeds. The faster it goes, the less you can focus on the task at hand. Beta thoughts jump rapidly back and forth, between past mistakes or regrets, and future worries, with little attention paid to the present moment.

The smooth, sine-like alpha waves reflect a relaxed, but highly alert and focused state of mind. Alpha is much better than beta for concentrating on executing complex musical or artistic movements, especially in front of a live audience or audition panel. Alpha reflects the right brain state of flow

Dr. Don Greene, a peak performance psychologist, has taught his comprehensive approach to peak performance mastery at Juilliard, Colburn School, New World Symphony, Los Angeles Opera Young Artists Program, Vail Ski School, Perlman Music Program, and the U.S. Olympic Training Center. During his 32-year career, he has coached more than 1,000 performers to win professional auditions and has guided countless solo performers to successful careers. Some of the performing artists with whom Dr. Greene has worked have won jobs with the Metropolitan Opera Orchestra, Concertgebouw Orchestra, New York Philharmonic, Chicago Symphony, San Francisco Opera, Montreal Symphony, Pittsburgh Symphony, National Symphony, Cincinnati Symphony, Pacific Northwest Ballet, and the Dance Theatre of Harlem, to name just a few. Of the Olympic track and field athletes he worked with up until and through the 2016 games in Rio, 14 won medals, including five gold. Dr. Greene has authored ten books including "Audition Success," "Fight Your Fear & Win," "Performance Success," and most recently "College Prep for Musicians." In 2017, Dr. Greene was named a TED Educator and collaborated with musician Dr. Annie Bosler to produce the TED-Ed talk "How to practice effectively...for just about anything." The video went viral and received over 25 million views across Facebook and YouTube. For more information, visit winningonstage.com, winninginsports.com and collegeprepformusicians.com.



uninterrupted by left-brain thoughts, worries, or fears. It is highly conducive to focusing on the here and now in the ever-continuing present moment.

There are ways to move from left-brain beta noise to the right brain and get into alpha. These include listening to relaxing music, meditation, mindfulness training, zazen, tapping, biofeedback, yoga, autogenic training, T'ai Chi, Aikido, Zen archery, the Silva method, hypnosis, and my own Centering technique, which I wrote about here previously. Just sitting quietly and focusing your mind intensely on one thing for any period of time without left-brain interruptions can put you into an alpha state.

The final measurable human brainwave pattern is known as gamma. Gamma brainwaves are the fastest in the spectrum, measuring 40 to 100 cycles per second. The gamma frequency is found in deep meditation, flow states, peak performance, and the Zone. Individuals with high gamma activity have been shown to have strong cognitive acuity, tend to be much happier than most people, and demonstrate superior functioning in highly challenging physical tasks.

Gamma waves originate in the thalamus, located in the midbrain. The high frequency waves move very quickly. First to the amygdala, in the base of the brain, suppressing the fight vs. flight response, and then to both hemispheres of the cerebral cortex. Then the waves move rapidly back again to the base of the brain. This all happens at least 30 times per second. This very fast "full sweep" action throughout the brain creates a state of "neural synchrony," necessary for peak functioning. Gamma is the only brainwave that will reliably get you "in the zone" and keep you there for any amount of time.

Gamma patterns regulate emotional balance and moods. Gamma is associated with feeling calm, happy, joyful, and grateful. This is often accompanied by experiencing deep compassion, unity with all things, and universal love. This blissful state is well known by Buddhist monks, Zen masters, Trappist friars, cloistered nuns and experienced musicians when they are engaged in the highest levels of free and expressive performance.

How do you generate more gamma

waves? First of all, your body and mind need to be totally relaxed, especially the left side of your brain. It needs to be very quiet. Focus your mind on only positive emotions, like gratitude, compassion, joy, and love, and let go of everything else. Appreciate your talents, love the ability to do what you do, be totally immersed in the present moment, highly focused in one-pointed concentration.

If you're interested in a more technological way to get into gamma, you can try brainwave entrainment. This method uses aural tones or binaural beats, played through headphones, to induce higher mental states. By listening to the tones or beats played at different frequencies, both on the left and right sides, the entire brain becomes engaged in setting up gamma waves.

You can find brainwave entrainment on YouTube, iTunes Store, Amazon, and through various apps. They have a range of available frequencies: 40 cycles per second (the gateway to gamma), 50 cycles per second (intense focus), 60 cycles per second (genius brain), and all the way to pure gamma at 100 cycles per second, which is supposedly the level of supreme confidence, oneness, and immense gratitude. There are also audio programs for inducing delta, alpha and alpha-theta. (Remember, if vou see "Hertz," it's the same as "cycles per second.")

I encourage you to try different ways to get out of beta as a daily routine, especially when you're practicing and performing. You need to determine which ones may be useful. I find 40 cycles per second to be relaxing, the 60 cycles per second to be helpful for focusing, and anything higher than 90 cycles per second to be annoying and distracting. There might be ones that are better suited to just relaxing, while others may set you up to get in the zone efficiently and keep you there longer.

One of the simplest and best things you can do before important performances and auditions is to get more restful sleep. That means four or five complete sleep cycles the last few nights before your big event. It will help to minimize your beta thinking beforehand, get you in a good frame of mind, and prepare you to perform your best in alpha, or even gamma, for the entire event.

REQUIEM



Alan Arnold



Robert Dietrich



Vic Juris



Gershon Kingsley

ALAN ARNOLD

LAN H. ARNOLD, 87, a violist, composer, arranger and publisher, died on Dec. 14. He had been a member of Local 802 for almost 50 years and was also a member of ASCAP. Born in the Bronx in 1932, Mr. Arnold was a graduate of the High School of Music and Art and later earned degrees from NYU and Columbia. Mr. Arnold was the creator of Viola World Publications, which continues to supply teaching and performance material to violists all over the world. He performed in the Huntington Symphony, Glen Falls Symphony, Music Company Orchestra, and several others. He also taught for 35 years in the Jericho New York Public Schools. Mr. Arnold was a member of Congregation Beth Emeth in Albany and Temple Beth El in Huntington, where he served as the synagogue's organist for over 30 years. Mr. Arnold will be especially remembered by the hundreds of students he taught. He is survived by his wife Gloria, son Paul (and Paul's wife Beth), daughter Pamela (and Pamela's husband Keith), sister Helene, grandchildren Lila, Susannah (and Susannah's husband Benjamin), Sophie and Jeremy, and greatgrandchildren Emmy and Cooper.

ROBERT DIETRICH

OBERT "BOB" LEWIS DIETRICH, 98, a flutist, piccolo player, pianist and accordionist, and a member of Local 802 since 1947, died on Jan. 4. Mr. Dietrich played his first union job at 16 years old and remained a loyal and active member throughout his life. During World II he was drafted and played in the Air Force band. After the war, he eanred his bachelor's and

master's degrees at Juilliard. He won chairs in the Dallas Symphony Orchestra and the Buffalo Philharmonic before moving to NYC at the beginning of the 1960s to begin a busy freelance career. New York City became his favorite place, and he spent the rest of his life there. One of his favorite hangouts, when he wasn't working, was the Art Students League of New York, where he nurtured his love of drawing and became a prolific artist. Mr. Dietrich is survived by wife Jamie; son Jay; daughters Bonnie, Jackie (and her husband Elmer), Bobbi (and her husband Roberto), Sara (and her husband Bob), Michelle (and her husband Eric), and Maddie (and her husband Brian); 19 grandchildren; and 12 great-grandchildren. His friends and family will celebrate his life with a memorial service on Sunday, Feb. 16 at 2 p.m. at 66 West 94th Street in the community room. In lieu of flowers, the family invites donations in Mr. Dietrich's name to the Art Students League of New York. A direct link has been set up at www.bitly.com/ robert-dietrich

VIC JURIS

HE GUITARIST VIC JURIS, 66, a member of Local 802 since 1998, died on Dec. 31. A native of Jersey City, Mr. Juris was already playing in local rock and R&B bands as a teenager, where his early teachers and mentors included Ed Berg, Eric Kloss and Pat Martino. He fell in love with jazz and caught the attention of top players in NYC. During his career, he went on to play with Dizzy Gillespie, Phil Woods, Jimmy Smith, Lee Konitz, Peggy Stern, John Abercrombie, Russell Malone, James Moody, Sarah Vaughan, Chico

Hamilton, Dave Liebman, Richie Cole, Mel Torme, Eddie Jefferson and Nancy Wilson, among many others. In the 1980's, Mr. Juris teamed up with fellow guitarist Biréli Lagrène for a steady engagement at Fat Tuesday's; that collaboration led to an album and a European tour. While in Europe, Mr. Juris met and played with Richie Cole, Michel Legrand and John Etheridge. Mr. Juris found a warm welcome in Europe, but kept up his U.S. appearances, including projects with Larry Coryell and Gary Peacock. He joined the David Liebman group in 1991, with whom he recorded and toured extensively. Mr. Juris also served as musical director of the Charles Mingus Guitar Quintet. Mr. Juris taught at the New School, SUNY Purchase, Lehigh University and Rutgers University, published method books and videos, taught privately, and recorded over 24 albums, including two albums that will be released this year. He is survived by his wife, Local 802 member Kate Baker, who taught with Mr. Juris at the New School and performed in a duet with him as his musical partner. Mr. Juris is also survived by his mother Claire and sister Denise. Obituary information from VicJurisJazz. com, Wikipedia and www.wbgo.org.

GERSHON KINGSLEY

ershon kingsley, 97, a composer and keyboardist, died on Dec. 10 after being a member of Local 802 since 1955. Mr. Kingsley was a pioneer of electronic music and one of the first composers to perform on the Moog synthesizer; he is perhaps most famous for his synthpop piece "Popcorn," which has been covered hundreds of times, including

a version by Kraftwerk and another by the Muppets. He founded the First Moog Quartet and was part of the famous electronic music duo Perrey and Kingsley; he also wrote rock-inspired compositions for Jewish religious ceremonies. Mr. Kingsley conducted and arranged many Broadway musicals, and composed for film, TV and commercials. His work garnered recognition with a Tony Award nomination for best conductor and musical director, two Clio Awards for his work in advertising, and a lifetime achievement award from the Bob Moog Foundation. Mr. Kingsley also composed classical chamber works; his opera "Raoul," based on the life of Raoul Wallenberg, was premiered in Bremen in 2008. He is survived by his daughters Alisse and Melinda and a grandson. Obituary information from www.facebook.com/HerrPopcorn and the New York Times, which published an extensive obituary for Mr. Kingsley.

WE ALSO REMEMBER . . .

Vladimir Baranov, violin George Berardinelli, trumpet Katsuko Esaki, violin Philip Grande, guitar Jimmy Heath*, saxophone Valerie Heywood, viola Albert Mann, saxophone Zeke Mullins, piano Claudio Roditi*, trumpet Tony Speranza, trumpet Hanna Tennen, violin

*A longer tribute for these musicians and others will appear in the next issue

<u>REMINISCENCES</u>

MEETING YOUR HEROES

By SETH LEWIS

sethlewisbass@gmail.com

ENTORSHIP IS A vital tradition in music, especially in jazz. An excellent role model was the late Bob Cranshaw, whose life I am researching for my graduate thesis. I want to share a little bit about what I've learned and how mentorship played a big part in his life.

Those who knew and worked with Cranshaw had the utmost respect and admiration for him. Because he was so extraordinary, it is tempting to think of him as a singular, monumental figure. Though he was one of a kind, he wasn't always a giant of music. Cranshaw was once a young musician trying to make it just like everyone else, and mentorship played an instrumental role in his development and eventual success. Cranshaw's mentor was another great bassist, the late Milt Hinton. The tradition of mentorship can be traced from Hinton to Cranshaw and to the younger musicians whom Cranshaw mentored in turn.

Having a role model and a guide in music is essential and Hinton had important mentors, too. He recounted his mentor relationship in his autobiography. When Hinton first joined the musicians' union in Chicago, there were separate unions for blacks (Local 208) and whites (Local 10), which are now unified into one entity. Hinton wrote:

In those days, the union would let you make your dues payments in installments. As I remember, it cost \$20 to join. They'd let you put \$5 down and pay the balance within a year. Once I filed my application I'd spend my free time at the local...The second floor had a pool table and a separate room for playing cards...After hanging around a few months I got to know Walter Wright.

Hinton was eager to learn from established musicians and made a point of building a relationship with Wright.



Bob Cranshaw (1932-2016)

He was an older, dignified gentleman who was a great bass playe...by the time I got to know him he was running the poker and pool concession at the union... Mr. Wright was kind to me. Maybe it was because I sought him out. In those days I was eager to learn anything I could about bass and I always found him helpful.

What Hinton learned from Wright was more than just musical. He learned the importance of passing on knowledge to the next generation.

Back to Bob Cranshaw. Early in Cranshaw's tenure in New York, he met Hinton, who gave generously of both resources and time, in order to help Cranshaw get established. Cranshaw re-

I had been in New York maybe a few months, and I was on 48th and Broadway. I was on my way to rehearsal with somebody and I had a bag on my bass that was raggedy and about to fall off, but I couldn't afford anything else. I was walking down to the rehearsal and this gentleman dressed with a tie stopped me on the street. He said, "Hi. What's your name?" I said, "Bob Cranshaw." He said, "Are you a professional bassist?" I said, "Yes, sir." He

said, "I'm Milt Hinton." I said, "Oh, shit." It was like meeting God. Here's my mentor... He took me into Manny's and he bought me a bass case on the spot...He said as a professional, I couldn't be walking around with a bag like that.

This selfless act made an indelible impression; Cranshaw often referred to any act of generosity toward younger musicians as "The Hinton Method." Cranshaw modeled himself on Hinton both musically and professionally. Cranshaw

I would just go to [a recording date] and I would sit on the side. I didn't want to disturb anybody, but just to watch [Milt Hinton]. When The Judge [Hinton] walked into the room, you could feel the energy. Everybody was talking. That was the kind of guy he was. That was the life. My biggest, my most wonderful influence, was watching The Judge.

Cranshaw in turn mentored numerous musicians throughout his life. One notable example is Tom Barney, a member of Local 802 and the bassist for the "Lion King" on Broadway. Cranshaw made Barney's success a top priority and seeing him achieve his potential meant the world to Cranshaw. "When Tom got it all together...I thought, 'Hell, I can go sell insurance now," said Cranshaw. "I felt total fulfillment as a player."

Barney felt equal pride from their relationship. "The life lessons Bob taught me have been as important to my career as the musical lessons," he said. Barney still uses Cranshaw's lessons today. "For me, laving it down is #1 and everything else comes second."

These examples of mentorship demonstrate the possibilities that can come from investment of time and energy from one to another. They also demonstrate that effort is required on both sides; both mentor and protégé must actively pursue and engage in such relationships in order to perpetuate the cycle.

Cranshaw's (and Hinton's) legacy at Local 802 looms large, and the tradition of intergenerational learning is still present at Local 802 in the continuing Jazz Mentors series, which connects young musicians with established professionals though the union. Cranshaw's philosophy can be traced back to lessons he learned directly from his mentor, Milt Hinton - and Hinton's mentor Walter Wright before him. Through many years of service at Local 802, Cranshaw considered all of the other musicians family, and made serving them his highest priority. His generosity, spirit and warmth extended to all who knew him. "I've done very well by the union...and so I want to make sure that others know how to get involved," Cranshaw said to Local 802 Principal Business Rep Todd Weeks, who worked closely with Cranshaw.

We should all follow Cranshaw's example and pay forward the kindnesses that others have granted us in order to keep the traditions of music and community strong.

For sources I used in this article, plus some more suggested reading, e-mail me at sethlewisbass@gmail.com. My thesis will be called "We, Not Me: The Musical Life of Bob Cranshaw."

WHY WE JOINED THE UNION

To join Local 802, call (212) 245-4802 or visit www.Local802afm.org







ADI MEYERSON

JOHN LAKE

CHELSEA LANE

I JOINED LOCAL 802 after I got some work opportunities through the union, and I'm glad to finally be a part of it. My musical goal in NYC is to continue to lead my band and play with my heroes around the world. One day, I'd love to play at the Village Vanguard, Carnegie Hall and Madison Square Garden. One of my favorite recent gigs was playing a jazz festival in Guatemala with my band. It was amazing to play for that many people - but it was even more amazing to see so many young people coming out to hear jazz! I started playing electric bass when I was 14, but only got serious about bass (and about jazz) when I graduated from high school and switched to upright. Three years later, I moved to NYC and have been here ever since. Music is important to me because it's a way to spread love, happiness and hope to people you can't reach in any other way. It's my way of communicating and being able to say things that words can't express. Besides my own band, I play in various ensembles around the city. I also teach at Jazz House Kids in Montclair, New Jersey, and at the Stanford Jazz Workshop in California.

> Adi Meyerson adihbm@gmail.com

I JOINED LOCAL 802 to further my career as a pit musician and recording artist. My musical goal in NYC is to play music at the highest levels with an excellent community of musicians. One of my favorite recent gigs was premiering a new work with American Ballet Theatre at the David Koch Theatre last summer. I studied jazz and trumpet at the University of Cincinnati College-Conservatory of Music, and at the University of Colorado. Since moving to New York, I've found my niche as a lead trumpet and jazz player in the thriving big band scene. Jazz music in particular crystallizes the way I see the musical world: a vibrant community of thoughtful artists, striving their utmost to create. Jazz is at once collaborative and individualistic, a platform where you hold your own while supporting the group. In jazz, we all move forward together while creating art that speaks to people in ways that words cannot. It's a fulfilling experience to say the least. I co-lead the New Alchemy Jazz Orchestra (an 18-piece big band) with my musical compatriots Danny Jonokuchi, Steve Kortyka and Michael Sailors. I'm also excited to be releasing my debut jazz quintet record this spring!

John Lake john@johnlakejazz.com I JOINED LOCAL 802 so that I could pursue more freelance work in NYC as I write my dissertation for a DMA degree at The Graduate Center, CUNY. The opportunity to read for "Das Rheingold" at the Metropolitan Opera last season further expedited this choice. Having moved back to the U.S. after several years spent abroad in Belgium, I felt removed from the scene back home. I am enjoying expanding the number of people I know in NYC in the hope of producing - or being hired for - engaging musical projects in the future. Participating in this year's Radio City Music Hall Christmas Spectacular as a harp cochair has been one of my fonder musical experiences since moving to the city. The strong sense of community in the orchestra pit - particularly when playing through the holidays - has left me eager to seek out similar engagements. My mother is a section violinist with the Pittsburgh Symphony Orchestra, so I grew up surrounded by music and the concert hall. Like any rebellious child, I initially fought against following in the footsteps of my parents, but eventually came to terms with the fact that art was an inseparable part of my existence. Music has always been in my life. I cherish all the nostalgia, fondness, elation - and

even sorrow - that music can evoke in my senses. I savor music's ability to make me feel new things or to vividly recall sensations that may otherwise seem distant or forgotten.

Chelsea Lane

chelsealaneharp@gmail.com

I JOINED LOCAL 802 after already establishing a career as a musician and composer. I was asked to be a sub for "Rocktopia" on Broadway, which was a fantastic experience, and prompted me to join the union. Coincidentally, it was around that time that I found the perfect violin for me. It was designed by Guy Rabut, who named it "The Black Violin" because of its special design (see www.guyrabut.com/special-projects. **html**). After composing and performing as a music director and solo violinist for the Off Broadway shows "The Woodsman," "The Pearl Diver" and "Lake of Sorrows," I truly have the theatre bug and plan on writing my own plays and continue connecting with professional musicians, playwrights and actors to create emotional and impactful stories. I love composing music for solo violin and chamber music and have such reverence for my colleagues and new musical friends who perform my works. One

WHY WE JOINED THE UNION

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EDWARD W. HARDY

LAURA THOMPSON

JORDON CUNNINGHAM

of my favorite gigs was performing at Carnegie Hall for over 10,000 enthusiastic young future musicians with the Link Up orchestra. I played my Black Violin to them, and they couldn't believe a violin could look like that. One of my other favorite performances was a part of the opening of the Smithsonian National Museum of African American History and Culture. I was asked to compose and perform an original work for the Congressional Black Caucus at Howard Theatre, so I performed my original composition "Evolution: the Evolution of Black Music." The piece is inspired by the hymn "Wade in the Water" because of the history of secret codes embedded in the song that gave guidance to slaves as they embarked on their journey to freedom using the Underground Railroad. I am a 28-year-old musical storyteller who earned a bachelor of music degree cum laude in viola performance from SUNY Purchase College and a master of music degree cum laude in violin performance from the Aaron Copland School of Music, with additional studies at the music advancement program at Juilliard and the Manhattan School of Music pre-college program. Music is important to me because it's one of the greatest escapes from reality while

still having the potential to be an exact reflection of reality. The purest way to communicate the human condition is through the beauty of music.

> Edward W. Hardy edwardwhardy@gmail.com

I JOINED LOCAL 802 because it seemed a great way to meet fellow musicians in New York City, and I also believe in the advocacy and organizing work the union does to ensure that we are paid a fair wage. I hope to have a varied career in chamber music, new music, recordings, orchestra and Irish fiddle. I'm a bit of a musical omnivore - I go back and forth between violin and viola, enjoy collaborating with composers, relish playing quartets, and love folk fiddling. New York City seems like a good place to do all of these things, and I moved here to challenge myself! One of my favorite recent gigs was playing Brahms' Symphony No. 1 with Jaime Laredo and the Westchester Philharmonic, and also playing a new string quartet with dancers at Juilliard. I like that every gig in NYC has been completely different so far. I earned a bachelor's degree in violin from Northwestern University and a master's in violin performance from the Royal College of Music in London. I

spent several years freelancing with the Milwaukee Ballet Orchestra and as a viola sub with the Milwaukee Symphony. Music is such a vital form of expression, and I still find it amazing that the violin can do so many different things. It is my creative outlet and I enjoy passing on the joy of playing to my students. I'm freelancing with tons of orchestras in the NYC area, teaching violin and viola at the United Nations International School, and playing chamber music and Irish fiddle around town. I was excited to travel to India last year to solo with the Kolkata Symphony Orchestra and to take part in a teaching fellowship with a group called MusicAid.

> Laura Thompson lauraelspeth@gmail.com

I RE-JOINED LOCAL 802 after I started working at the Engeman Theatre on Long Island for its production of "Saturday Night Fever." I'm also very much looking forward to a few projects coming up within the next couple of months, including new works, readings and concerts both on and off Broadway. I am excited to continue my work as a music director and pianist in NYC and with various regional theaters throughout the country. I also enjoy work as an

audition pianist and vocal coach. Most recently, I had the opportunity to serve as the music director and conductor for "The Sound of Music" at the Asolo Repertory Theatre in Sarasota, Florida, with direction and choreography by Josh Rhodes. I earned a BFA in piano and oboe from Texas State University and spent some time in the city before going on the road for the 20th anniversary national tour of "Smokey Joe's Café." After that, I spent two seasons serving as the music assistant and associate conductor at the Goodspeed Opera House in Connecticut. I am currently completing my MFA in music direction at Pennsylvania State University. Music is important to me because it expresses what cannot be put into words. Music creates and informs emotion. It is an energetic vibration which we can all tune into. It is unifying. This is why musical theatre is so powerful: it provides an added emotional dimension to the theatrical experience. The collaboration between creative team members can make or break a production. A successful team can create an environment where everyone can thrive. That's the kind of show I always want to be a part of.

Jordon Cunningham jordon.cunningham@me.com

EXECUTIVE BOARD MINUTES

Tuesday, December 3, 2019

EETING CALLED TO order at 11:17 am by President Krauthamer. Present: Financial Vice President Fisher, Recording Vice President Schwartz, Executive Board members Axelrod, Cohen, Frawley, Kainuma, Shankin.

Minutes of November 25, 2019 reviewed.

It was moved and seconded to approve the minutes of November 25, 2019 as corrected.

Discussion held.

Motion carried unanimously.

President Krauthamer presented the minutes of the Coordinating Advisory Committee (CAC) meeting of November 4, 2019.

It was moved and seconded to concur with the minutes of the CAC as submitted.

Discussion held.

Motion carried unanimously.

Krauthamer presented a request from a member for a leave of absence from a Broadway show.

It was moved and seconded to approve the leave of absence as submitted pending approval of the Theater Department.

Discussion held.

Motion carried unanimously.

Krauthamer reported on a request for a special situation from the producer of the Broadway production of Jagged Little Pill.

It was moved and seconded to approve the request from the producer of Jagged Little Pill.

Discussion held.

Motion carried unanimously.

Krauthamer reported on the nominations for election to the orchestra committee of Radio City Music Hall.

Discussion held.

Krauthamer reported on the status of plans for the 401(k).

Discussion held.

Recording Vice President Schwartz excused at 12 noon.

Financial Vice President Fisher recorded the minutes.

Krauthamer reported on his discussion with Local 47 leadership regarding sharing the costs of setting up the 401(k).

Discussion held.

Krauthamer reported on the upcoming Local 802 staff and members holiday parties.

Discussion held.

Krauthamer reported on the first negotiation between Local 802 and DCINY for a collective bargaining agreement.

Discussion held.

Krauthamer reported on an upcoming senior staff meeting and discussed a request for a salary increase for a staff member.

Discussion held.

Board recessed 12:45.

Board reconvened at 12:57.

Trial Board member Maurer present to report on her participation, along with Executive Board member Frawley, at the Motion Picture and TV Film negotiations just completed in Los Angeles.

Discussion held.

Executive Board member Kainuma excused at 1:05.

Maurer and Frawley excused at 1:45. Krauthamer reported on a salary increase for a staff member.

Discussion held.

Meeting adjourned at 1:57 p.m.

Tuesday, December 10, 2019

Meeting called to order at 11:15 am by President Krauthamer. Present: Financial Vice President Fisher, Recording Vice President Schwartz, Executive Board members Axelrod, Davis, Paisner, Shankin.

Member Bud Burridge present.

Burridge discussed matters pertaining to the process of electing an orchestra committee for Radio City Music Hall.

Executive board member Frawley present at 11:26.

Discussion held.

Burridge excused.

Board recessed at 12:12.

Board reconvened at 12:21.

Minutes of December 3, 2019 reviewed.

It was moved and seconded to approve the minutes of December 3, 2019 as corrected.

Discussion held.

Motion carried unanimously.

President Krauthamer presented requests from four members for leaves of absence from Broadway shows.

It was moved and seconded to approve the leaves of absence as submitted pending review and approval from the Theater Department.

Discussion held.

Motion carried unanimously.

Krauthamer requested confirmation of the results of an email poll of the board approving a memorandum of agreement between Local 802 and Local 47 (Los Angeles) pertaining to the 401(k) plan.

It was moved and seconded to confirm the results of the poll.

Discussion held.

Motion carried unanimously.

Krauthamer reviewed the voting procedure for the election of the orchestra committee of Radio City Music Hall.

Discussion held.

Krauthamer reported on his attendance along with Executive Board member Shankin at the Jewish Labor Committee Annual Human Rights Awards Dinner on December 9, 2019.

Discussion held.

Krauthamer reported on the Local 802 Staff Holiday Party of December 5, 2019.

Discussion held.

Krauthamer reported on the status of the internal reorganization.

Discussion held.

Krauthamer reported on the upcoming holiday party on December 11, 2019 for the membership and guests.

Discussion held.

Krauthamer announced his holiday vacation schedule.

Discussion held.

Krauthamer reported on the Senior Staff meeting of December 9, 2019.

Discussion held.

Krauthamer reported on the proposed renewal of the contract for the services of Director of Information Technology Mosher.

Executive Board member Axelrod excused at 1:09.

Discussion held.

Executive Board member Davis excused at 1:29. Quorum lost, meeting adjourned.

Board members met at 1:41 for

a post-adjournment informational session with Fisher, Schwartz, Frawley, Paisner, Shankin.

Financial Vice President Fisher reported that she had approved a request from Orchestra Long Island to utilize public services scales for a performance at Wheatley School on February 11, 2020.

Discussion held.

Fisher reported that she had approved requests from Bronx Arts Ensemble to utilize public service scales for performances on February 5th at Highbridge Library, February 6th at PS1, February 18th at Tremont Library, March 11th at Edenwald Library, March 28th at Bronx Library Center, and March 28th and 29th at Fordham University.

Discussion held.

Fisher reported that negotiations for a successor collective bargaining agreement between Local 802 and Mostly Mozart Festival would begin on December 13, 2019.

Discussion held.

Fisher reported on her meeting with Francesca Campagna, General Director of the Center for Contemporary Opera, to discuss future engagements.

Discussion held.

Fisher reported that she met with the orchestra committee of American Ballet Theater to discuss proposals for a successor collective bargaining agreement.

Discussion held.

Fisher reported on matters pertaining to Westchester Philharmonic.

Discussion held.

Recording Vice President Schwartz reported on his participation in a meeting with NY City Councilman Brad Lander along with representatives of the Musicians and DJs Committee of NYC Artists Coalition to discuss issues pertinent to the freelance music community.

Discussion held.

Schwartz reported on the first bargaining session with Apollo Theater for a successor collective bargaining agreement between Local 802 and the employer covering the Amateur Night at the Apollo band.

Discussion held.

Schwarz reported on the status of negotiations between Local 802 and NY Jazzharmonic for a successor collective bargaining agreement.

Discussion held.

Fisher reported the recent meeting of the NYC Central Labor Council.

Discussion held.

Meeting adjourned at 2:01 pm.

Tuesday, December 17, 2019

Meeting called to order at 11:06 am by President Krauthamer. Present: Financial Vice President Fisher, Recording Vice President Schwartz, Executive Board members Axelrod, Cohen, Davis, Frawley, Hoyt, Paisner, Shankin.

President Krauthamer reported on the status of Not-For-Profit Theater negotiations.

Discussion held.

Minutes of December 10, 2019 reviewed.

It was moved and seconded to approve the minutes of December 10, 2019 as corrected.

Discussion held.

Motion carried unanimously.

Krauthamer presented requests from two members for leaves of absence from Broadway shows.

It was moved and seconded to approve the leaves of absence as submitted.

Discussion held.

Motion carried unanimously.

Krauthamer presented a request from Actors Fund of America to renew membership in the organization.

It was moved and seconded to renew Local 802 membership at the \$1,500 level.

Discussion held.

Motion carried unanimously.

Krauthamer presented the actual costs of the annual members holiday party at \$7,492.27 and the staff holiday party at \$2,888.63.

Discussion held.

Krauthamer presented an invoice from Spivak Lipton LLP in the amount of \$9,262.50 for legal services during the month of November.

Discussion held.

Krauthamer presented the Indie Musicians Caucus survey results for the board's review.

Discussion held.

Krauthamer presented a draft of a letter to the membership pertaining to the AFM-EPF.

Discussion held.

It was moved and seconded to approve for payment the invoice from

Spivak Lipton as presented.

Discussion held.

Motion carried unanimously.

Krauthamer reported on the results of the orchestra committee elections at Radio City Music Hall.

Discussion held.

Krauthamer reported on matters pertaining to compensation for the Director of Information Technology.

Discussion held.

Krauthamer presented a draft of the president's year-end review for the Allegro.

Discussion held.

Executive Board member Cohen presented suggestions for board meeting procedures.

Discussion held.

Krauthamer excused and meeting recessed at 12:39.

Meeting reconvened at 12:58.

Financial Vice President Fisher assumed the chair.

Recording Department Business Representative Pawlo present.

Pawlo presented a request from Sh-K-Boom Records for a limited pressing agreement for the off-Broadway cast album recording of Broadway Bounty Hunter.

Pawlo presented a request from P.S. Classics for a limited pressing agreement for the off-Broadway cast album recording of Anything Can Happen in the Theater.

Pawlo excused.

It was moved and seconded to approve limited pressing agreements for Broadway Bounty Hunter and for Anything Can Happen in the Theater as presented.

Discussion held.

Motion carried unanimously.

Executive Board member Davis excused at 1 pm.

Communications Associate DiPasquale present.

DiPasquale presented information on the memorial plans of Remember the Triangle Fire Coalition and proposed the donation of a Local 802 t-shirt for inclusion in a fabric memorial.

Discussion held.

DiPasquale excused.

Executive Board members Hoyt and Paisner excused at 1:14. Quorum lost.

Post adjournment meeting commenced at 1:15.

Fisher reported on her meeting with

the orchestra committee of Mostly Mozart festival.

Discussion held.

Recording Vice President Schwartz reported he would meet today with Hank Lane Music to continue discussions on resolving a grievance.

Discussion held.

Meeting adjourned at 1:25 pm.

NOTE: The Executive Board did not meet on Tuesday, Dec. 24, 2019.

Monday, January 6, 2020

Meeting called to order at 11:16 am by President Krauthamer. Present: Recording Vice President Schwartz, Executive Board members Axelrod, Cohen, Davis, Frawley, Shankin.

Minutes of December 17, 2019 reviewed.

It was moved and seconded to approve the minutes of December 17, 2019 as corrected.

Discussion held.

Motion carried unanimously.

President Krauthamer presented an invitation to attend the Long Island Federation of Labor Annual Reception.

It was moved and seconded to approve the purchase of one ticket to the Annual Reception at \$250.

Discussion held.

Motion carried unanimously.

Krauthamer presented requests from five members for leaves of absence from Broadway shows.

It was moved and seconded to approve the leaves of absence as submitted.

Discussion held.

Motion carried unanimously.

Krauthamer presented the minutes from the Coordinating Advisory Committee (CAC) meeting of December 20, 2019.

CAC minutes tabled.

Controller Emelianova present.

Emelianova presented the Local 802 financial report of January through October 2019.

Discussion held.

Emelianova excused.

Krauthamer took the CAC minutes from the table and reviewed with the Executive Board.

Board recessed at 11:50.

Board reconvened at 11:54.

It was moved and seconded to concur with the CAC minutes of December 20, 2019 as submitted.

Discussion held.

Motion carried unanimously.

Krauthamer reported on his negotiations with employers for a successor collective bargaining agreement covering the off-Broadway not for profit theaters.

Discussion held.

Krauthamer reported on a letter to be sent to Local 802 members regarding the AFM-EPF.

Discussion held.

Krauthamer presented an update on premium payments for members of Metropolitan Opera Orchestra.

Discussion held.

Krauthamer reported on plans for committee training by consultants from Labor Notes.

Discussion held.

Krauthamer reported on the status of 401(k) plan documents.

Discussion held.

Krauthamer reported that Director of Information Technology Mosher will become a full-time member of the Local 802 staff.

Discussion held.

Krauthamer reported that the local will commence a full search for a director of organizing.

Discussion held.

Krauthamer reported on the agenda for the February 26, 2020 membership meeting.

Discussion held.

Board recessed at 12:46.

Board reconvened at 12:58.

Krauthamer reported on long term goals for the local and made subcommittee assignments for board members.

Discussion held.

Financial Vice President Fisher present at 1:29.

Krauthamer reported on matters pertaining to Indie Musicians Caucus (IMC) and its survey of Local 802 membership.

Discussion held.

Members Marc Ribot and Jean Cook of Indie Musicians Caucus present.

Ribot and Cook reported on a proposed article for Allegro.

Discussion held.

Recording Vice President Schwartz excused at 2:30. Quorum lost.

Meeting adjourned at 2:30.

Discussion continued post quorum with IMC and remaining board members.

NEW AND READMITTED MEMBERS

To join Local 802, visit www.Local802afm.org/join-today

David Achelis (guitar) William Beecher (bassoon) Benita Beneitez (violin) **Bradley Brookshire (harpsichord)** Cade Calder (trumpet) Jeremy W Chatzky (bass) **Kevin Chen (violin)** Wilden Dannenberg (french horn) Morgan Davison (bassoon) **Christopher Dingman (vibraphone)** Vince Ector (drums) Andy Ezrin (piano) **Edward Fast (drums)** Martin Fett (cello) **Bobby Green (keyboards)** Sarah Greene (viola)

Christopher Gross (cello) Israel Gursky (piano) Arno F. Hecht (saxophone) Chris Hemingway (alto sax) Samuel Webster Hoyt (trumpet) Yumi Ito (clarinet) Coleman Itzkoff (cello) Joe Jennis (trumpet) Aaron Johnson (saxophone) Stephanie Jones (whistling) Daniel Klintworth (piano) Adam Kramer (viola) Israel Lamm (trumpet) **Brandon Lee (trumpet)** Soo Yeon Lee (bassoon) Hector A LeGuillow (piano)

Michael Lombardi (french horn) Lanare Lumberger Pierce (vocalist) **Zelde Malevitz (clarinet)** Jeff Marder (piano) Amie Amis Margoles (french horn) Lynn Masciarelli (violin) Ronald McClure (bass) Ricky McWain (clarinet) **Jymie Merritt (bass)** Joshua Modney (violin) Dennis Nelson (piano) Jack Noble (bass trombone) John-Paul Norpoth (bass) David Olson (trumpet) Michelle Osbourne (elec upright bass) Jonathan Pace (drums)

Neal Persiani (electric bass) **Connor T Pietrzak (trumpet)** Kristen Lee Rosenfeld (conductor) Andrew Rowan (trumpet) Evan Runyon (bass) Cynthia Sayer (banjo) John Snow (elec upright bass) Jon Oskar Stenmark (trumpet) Derek Stoltenberg (drums) Sarah Stone (baroque cello) Ronald Thornton Jr (trumpet) Michael Walls (harp) Kenny Wang (viola) Tim Warfield (tenor saxophone)

Local 802's Resource **Center contains curated** links and information that guide members to entrepreneurship opportunities and social services.

START HERE: www.Local802afm.org/ resource-center

- Contact information for the musicians on this page (and for any member of Local 802) can be found in our electronic membership directory. Start at http://info.Local802afm.org and log in, then click on the DIRECTORY button from the top menu.
- All new and readmitted members of Local 802 are eligible to be interviewed in Allegro in our "Why We Joined the Union" column (see page 44). If you want to participate, send an e-mail to Allegro@Local802afm.org.
- The next orientation sessions for new members of Local 802 are Friday, Feb. 7 (at 11 a.m.) and Wednesday, March 11 (at 5 p.m.). All sessions are in the Executive Board Room on the fifth floor of Local 802 at 322 West 48th Street. For more information, contact Shane Gasteyer at (212) 245-4802, ext. 143 or Sgasteyer@ Local802afm.org. To join Local 802, start at www.Local802afm.org/join-today.

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ACROSS

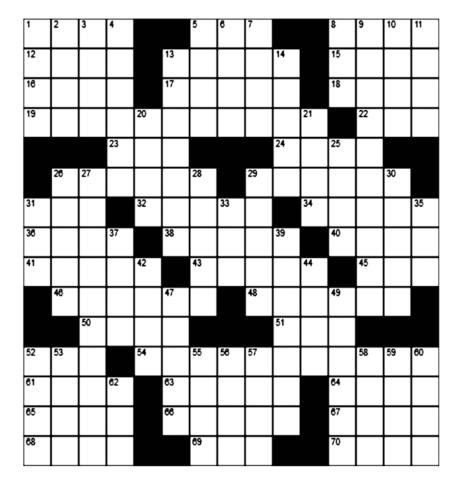
- Aardvark's meal
- ___ walks like an angel walks...""
- 8 Mimicked
- **12** One way to be suited
- 13 Asparagus stalk
- 15 Appraise
- **16** Must've been something ____
- 17 Tenorman Warne or Arno
- 18 Fairway choice
- **19** Heat indicator
- **22** Blasting material
- 23 Sushi delicacy
- **24** Polynesian carved image
- **26** British epithet
- 29 Golfer's position
- **31** "Somewhere Beyond the ____"
- 32 Bob and _
- **34** Lummoxes
- **36** Fundamentals
- 38 Thick-skinned charger
- **40** Color of Sinatra's eyes
- **41** Versifiers
- 43 Shoot-'em-up
- 45 Citrus drink
- 46 Now, Amigo!
- 48 Stick to
- 50 Capital city of Western Samoa
- **51** Comparative suffix
- **52** "___ Your Bottom Dollar"
- 54 Diaphanous
- **61** I cannot tell
- 63 Nebraska city
- **64** Land measure
- 65 "Get Smart" baddies
- 66 Destroy a car
- **67** Windshield option
- 68 Forearm bone
- 69 Plant
- **70** Serves a hot one

DOWN

- Working away
- Flood survivor
- 3 Jazz bassist Frank or tenorman Buddy
- Sound investment?
- Monty Python provender
- Roll-call response
- " of the Sun"
- 8 Jackie's second
- Specific
- 10 It's across the

Thames from Windsor

- 11 Fender ding
- **13** Burn with passion
- **14** Role for Clark
- 20 Alley cry
- 21 100 dinars
- 25 Door part
- 26 Jazz genre
- 27 Wound
- 28 Email server
- 29 Actress Berger
- **30** Practice piece
- 31 Twit
- 33 By means of
- 35 Holy location
- 37 What to do "in the name of love"
- **39** Like a certain complex
- **42** Huff
- 44 Perlman of "Cheers"
- 47 Fortuneteller's deck
- 49 Book boo-boos
- **52** Capital of Azerbaijan
- 53 Tel Aviv server
- 55 Famous cookie provider
- **56** Western pact
- 57 Jazz singer Marlena
- 58 Slang expert Partridge
- **59** Branta sandvicensis
- 60 Draws on skin
- 62 Conductor ____-Pekka Salonen



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The Band Room

IANIST MARTY NAPOLEON was a good friend, and provided me with quite a bit of work over the years with his trios and quartets. But it was his older brother Andy, a drummer, who I first met when I arrived in New York in 1950. I had discovered that Charlie's Tavern, in the Roseland building on Seventh Avenue, was the musicians' hangout at that time, and I spent a lot of time there, hoping to meet musicians and find work. Andy was a regular there, and he made me welcome and spent some time introducing me to the guys he thought I should know.

Andy had a great sense of humor, as did many of the denizens of Charlie's Tavern. He told wonderful stories about his brothers Marty and Teddy and his uncle Phil, also a musician.

One Wednesday afternoon, after visiting the union floor, which was on Sixth Avenue at the time, I went over to Charlie's to see who was around. It was a nice day, and a couple of dozen musicians were standing and chatting on the sidewalk in front of the Tavern. Suddenly a strident bell began to ring, and we saw that the metal doors on the sidewalk next to the building were beginning to open, and the basement freight elevator was beginning to rise.

We all stepped aside as it came up, and then we saw that Andy Napoleon was standing on it, holding a lead pencil like a baton, and conducting us, as if he were rising to the stage of the



Bcrow@Local802afm.org www.BillCrowBass.com

Paramount Theatre. He conducted with such dignified authority that he got a big laugh from all the musicians that were standing there.

In an interview for the Jersey Jazz newsletter, bassist Gene Perla told about a trip he made to Los Angeles one December. When he got there, he called a friend, who said, "What are you doing New Year's Eve?" Gene said, "I just got here. I'm not doing anything." The guy asked, "Do you want to play at Sinatra's house?" Gene said, "Yeah, of course!"

Gene drove to Palm Springs that night with his electric bass and an old upright he had borrowed from Howard Rumsev. When he arrived at Sinatra's house, the band was already playing. A figure darted out of the dark, and he saw that it was Sinatra, who didn't say hello, he just said, "Give me the Fender and follow me," and led Gene into the house.

Gene said, "He and his wife Barbra came up to the band right after midnight and they both shook our hands. She kissed each one of us. Frank was always totally in the camp of musicians."

One night in the late 1950s I went down to Birdland to hear the Count Basie band. They were playing opposite Wild Bill Davis's organ trio, and that night Davis brought in an arrangement he had written for the band on "April in Paris." He passed out the parts and sat at his organ console and played along as the band sight-read the chart. At the end, he called out, "One more time!" and had the band play the last 16 bars again, as he doubled the parts on the organ. He did this twice more, to great applause from the audience. When Davis left the bandstand, Basie stepped up to the microphone and said, "Thanks a lot, Bill. Now I've got to go out and buy a damn

Basie never bought the organ, but he did keep the "One more time" routine, and "April in Paris," soon recorded, became one of his biggest hits.

Concert violinist Kenneth Gordon tells me he loves to play "Banjo and Fiddle" by William Kroll as an encore on his recitals. The piece is always greeted with applause when he announces it, but that was not the case when he played in Japan. There, the audience responded with giggles and laughter. After this happened a couple of times, Gordon asked his interpreter about the response. She told him that the word "benjo" in Japanese means "toilet."

At the Guitar Congress in Baltimore in 2004, Steve Herberman and Jim Hall were heading for the cafeteria line. They were followed by eight or nine other guitar players who had attended the morning session. When they got to the cashier, Jim waved toward the other guitarists and told her, "I'm paying for all these guys. I'm a rich guitar player."

Sam Burtis sent me this message on Facebook: "A long time ago I was subbing on a rehearsal of Louis Bellson's big band. I was a little late and they had already started so I rushed to put my horn together, sat down, found my place in the music and started to play. I hadn't looked around much...too busy getting ready. After a tune or two I began to wonder what kind of amp the bass player was using. It sounded so GOOD! I finally got a chance to look back at the rhythm section...and there WAS no amp! Just Milt Hinton! I have never forgotten that moment."



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The 2020 census is fast approaching! For various reasons, in past years a significant number of New Yorkers have not participated in the census. Without a complete count, our city's fair share of congressional representation is at stake, as are billions of dollars in federal funding for health, education, transportation, infrastructure such as bridges and tunnels, and many other programs that New Yorkers rely on.

Specifically for the arts community, the census has the potential to seriously impact the distribution of dollars from the federal cultural agencies. But population-based funding allocations also exist throughout the government, including in the Departments of Education, Housing and Urban Development, Agriculture, and others, all of which also have pockets of funds that in part stream to the arts. Additionally, special government grants are given to areas with large populations of historically marginalized communities. If the census doesn't get an accurate count of these populations, then arts organizations engaged with those populations could be hindered in the amount of money they can get through government grants.

For all these reasons, it's critical that our members participate in the census, and that we as union members engage with our friends, family, and communities to make sure that every person is counted. Beginning in March, you can respond to the census online, by phone or by mail. It's up to us to shape the future of our communities! Learn more at **2020CENSUS.GOV.**



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FEBRUARY 2020 MEMBERSHIP MEETING

WEDNESDAY, FEB. 26 ● 5 P.M.

The meeting will take place here at Local 802 (322 West 48th Street, between Eighth and Ninth Ave.)

Admission to meeting by paid-up membership card only

