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An Editorial

As the record industry flounders toward the failures its own greed, corruption, and ineptitude made inevitable, its executives are attempting to rig an astonishing extortion of money from the American people. A private industry is asking for the unprecedented right to tax the public — and, furthermore, wants the U.S. government to act as its agent.

This is what the Home Recording Act of 1983, now before the Congress as Senate Bill 32 and House Bill 1030, would accomplish. The industry wants the government to levy a tax on the sale of blank tape cassettes and give the proceeds to the industry, on the grounds that people taping music from radio or albums owned by others have cost them billions of dollars in lost revenues. Specifically, according to one industry statement, "In 1980, home tapers copied recordings with an estimated value of \$2.85 billion, the equivalent of 445 million record albums."

The industry's spokesman did not disclose the nature of the remarkable piece of equipment with which it can tell what people are doing in their own homes, but surely the CIA, FBI, KGB, MI-5, RCMP and all the rest are falling over each other in their efforts to acquire it. Either that or the industry is blowing smoke.

When Ken Glancy was president of RCA Records, he said that the industry had the worst market research of any he knew. Now it would have you believe that its research is so finely-tuned that it is possible to determine how many copies of records people did *not* buy!

Outrageous nonsense.

That taping of music goes on is hardly a secret. Nothing pains any of us as much as hearing those words, "I love your album — a friend of mine made me a tape of it." But tapes have innumerable other uses, and are likely to have still others in the future. Journalists use them in interviews, executives for dictation, students to record lectures. They are used in telephone answering machines and some advanced typewriters.

Yet the record industry wants to tax tapes to compensate for an alleged and assumed *intended* use. This is like putting a tax on paper because a sheet of it *might* be used to copy a page from a book, on pencils because one of them *might* be used to copy a poem. The bill is an absurdity. It is at minimum very bad law, and it is almost certainly unconstitutional.

The bill cannot be compared to the loans made to Chrysler and Lockheed — to which, let us remember, there was heated opposition. Chrysler and Lockheed sought repayable loans to help them across difficult times. The record industry isn't asking for a loan at all. *It is petitioning for the right to tax the public in perpetuity.* Astonishing.

The bill has the backing of powerful forces, including ASCAP, BMI, and the AFM. I called a friend in one of the organizations supporting the bill to ask how the collected moneys would be disbursed to composers, lyricists, and performers — how the industry would determine who had lost how much on records that did *not* sell because of home taping. "Well," he said, "that hasn't been determined."

Nor can it be. No equitable system is even possible. To base a

distribution on figures derived from BMI and ASCAP — which are based on radio and television performances that may or may not have relation to the public's actual buying patterns — would be preposterous. Thus the bill is not only a legal absurdity but an economic one as well.

The next question is whether those of us who write and perform the music could trust the record and publishing complex to honestly distribute our share of the collected moneys to us, even assuming a system could be devised. The last thirty years of the industry is a tawdry history of payola and drug-mongering and a theft of royalties so widespread that the American Guild of Authors and Composers exists to combat it. Long before outside agents began pirating records, people within the record companies were pirating them — stolen masters and tapes, records shipped out the side door in the form of "midnight requisitions" and so forth. As one composer, discussing the Home Taping Bill, put it, "Who is going to police the police?"

An ancillary thought should clarify the issue. If the record industry has this tender concern for the welfare of the artist, why did it so adamantly oppose any meaningful increase in our mechanical royalties when the present copyright law was pending?

The chief reason for the drop in record sales is not taping. It is a combination of the aging of the population and the industry's obsolete merchandising practices. That huge audience of adolescents on which it based its growth has come into the thirties and forties — the age of discrimination in buying. Radio stations all over America — WABC in New York, for example — have abandoned the Top Forty programming that was symbiotically linked in the past to the huge sale of rock records. By dropping such programming, the stations have confirmed that the public has lost interest in it. And they have, incidentally, made it more difficult for the record companies to expose the trash with which they continue to clog the distribution system in the effort to sell the public a product it no longer wants. *Even who to produce!*

The conglomerate-owned record industry's control of American music has done music and the culture as a whole incalculable harm. Now that it is in trouble, the laws of the marketplace should be allowed to operate, and the industry permitted to collapse. After its collapse, imaginative artists and entrepreneurs will build a new and far healthier music industry. But this cannot happen if the Congress accedes to the industry's lobbying for an obscene sales tax on tapes.

Given the industry's record of bribery to accomplish its ends, any congressman or senator who supports the bill must be considered suspect. The bill was sponsored by Congressman Don Edwards (Democrat, California) and Senator Charles Mathias (Republican, Maryland). There is something you can do about this legislation. Write to your representative and senators, asking whether they support this bill and if so why. Send along a photocopy of this editorial. Write to the editor of your local newspaper, again including this editorial. (You might write Edwards and Mathias while you're about it.)

House Bill 1030/Senate Bill 32 should be defeated. Another bill, the Record Rental Amendment of 1983, concerns the controllable problem of stores that allow people to tape albums for a small fee. It should be passed.

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Two Critics

In his new book, *Jelly Roll, Jabbo and Fats* (Oxford University Press), Whitney Balliett considers the work of two jazz critics, both French, Hugues Panassie and Charles Delaunay. In the cause of symmetry, I would like to consider the work of two jazz critics, both American, Otis Ferguson and Whitney Balliett.

Panassie's *Le jazz hot* was published in 1934 in France. Its English translation was published in the United States in 1936 — the year Ferguson began writing about jazz for *The New Republic*. He had been writing about books for that publication for three years, and had reviewed a Gershwin concert for his college paper as far back as 1930. Panassie, however, is considered the pioneer of jazz criticism, the man who, as Balliett puts it, "put jazz on the map in Europe and in its own country."

There are probably two reasons for this. One is that Panassie was the first to get out a book — we are very impressed by books — of jazz criticism in the United States. Ferguson, who became a merchant seaman and was killed off the Salerno shore in a German bombing attack in 1943, never saw a book of his work. Indeed his writings on jazz have not been bound between two covers until the present volume, *The Otis Ferguson Reader*, published by December Press, 3090 Dato, Highland Park, Illinois, 60035. It contains as well his writing on many other subjects, including the sea. Since the same gang that controls the television, movie and record industries has now devoured book publishing and distribution, it would not have been published at all but for a grant from the National Endowment for the Arts. The great corporations have effectually destroyed free enterprise in the arts.

The second reason Panassie had more impact than Ferguson is that he was a European and Americans were prone to abject genuflection toward the Old World. The cultural establishment still is, which is seen in the fact that only one or two important American symphony orchestras have American conductors. A resentment of the American need for European approval, now echoed in the Canadian need for American validation, is no doubt the inspiration for Eddie Condon's famous wisecrack about Panassie: "I don't see why we need a Frenchman to come over here and tell us how to play American music. I wouldn't think of going to France and telling him how to jump on a grape."

One of the values of Ferguson's work is that he was writing about the music when it was young and thus it is a record of the times. Born in 1907, he was coeval to Louis Armstrong (1900), Duke Ellington (1899), and Bix Beiderbecke (1904), about whom he wrote with insight, admiration, and passion. Ferguson entitled one of his articles about Beiderbecke *Young Man with a Horn*, a phrase that has retained a curiously haunting quality in jazz ever since. His girlfriend, Dorothy Baker, wrote the novel of that name "inspired by" Beiderbecke's music.

Ferguson was perceptive to the point of prescience. He saw the worth of Ellington and Fletcher Henderson and conveyed his admiration persuasively. He correctly took the measure of Jess Stacy, Teddy Wilson, Ziggy Elman. A portrait of John Hammond is etched in acid. Ferguson is to this day one of the few writers who has ever had the courage to question Hammond's legend, self-written with the assistance of power, family, money, and connections, though the number of musicians who question it is considerable. He writes:

Somewhere a long way back, probably — somewhere it wasn't done because he had the inside rail and the silver spoon and the velvet cushion — John Hammond should have been taken in hand and had his ears beaten down a little, and he should have been made to write out five thousand times over, for his eventual good, the sentence: CRITICS OUGHT TO LEARN HOW TO TAKE THEIR TIME.

Ferguson goes overboard in his praise of Hammond's brother-in-law, Benny Goodman, whose band in the RCA days I found stiff, although it developed fluidity later on when Charlie Christian and Mel Powell were in it. But Goodman did open the door for other and better bands, and Ferguson understood Goodman's impact on the American culture.

Ferguson was not the writer Balliett is, though they take similar follow-your-man-and-listen approaches to character portraiture. The dust jacket of almost every book by Balliett (this is the eleventh) presents Alistair Cooke's statement that he is, "without a rival in sight, the most literate and knowledgeable living writer on jazz." One must of course raise an eyebrow at a man who sets himself up as a judge of literacy and then uses the word "knowledgeable". And Cooke hasn't read every living writer on jazz, assuredly including the Japanese. But Balliett is certainly one of the most graceful essayists in the English language on *any* subject, even if in this book he does slip into the use of one of those fad words ("arguably" and "thrust" are very popular these days) that sweep through journalism from time to time. In his case, the new word (watch for it; it's cropping up in criticism) is "layered" or "layering". He uses it twice. He also uses "into" at one point. But we must forgive him. These things are insidiously pervasive and insinuate themselves into one's thought; I almost said "hopefully" the other day. For the rest of the course, Balliett's language is fresh, his own, and always arresting in its imagery.

Balliett's pieces are peculiarly devoid of self. He is the invisible interviewer. I used to think he must use tape a lot. I was surprised to find that he simply takes notes, carefully and patiently. How he

Did you hear the one about the Polish musician who went into jazz for the money?

—Anonymous

gets the subjects of his word pictures to be so self-revealing in the presence of a pencil is a bit of a mystery, for he is in person anything but invisible. Tall, almost white-haired, courtly, bespectacled, and notably handsome, he has presence. He would be intimidating were he not an apparently gentle man.

His essays are for the most part almost devoid of overt opinion. They have a *cinema verite* quality. He describes the music and the musicians so vividly that you can almost hear it and see its makers, even though much of the time you cannot tell what he actually thinks of either. Every once in a while, however, he hauls off and bangs you over the head with a baseball bat of opinion. One of the essays in this book begins, "Michael Moore is the best jazz bassist alive..." Well, okay. Maybe he is and maybe he isn't. He is one hell of a bass player, however, and after reading Balliett's piece you will know a lot more than you did about both Moore and his playing. In another essay, Balliett says that after Sonny Greer left Duke Ellington, "the band never fully recovered." A good many musicians would give him an argument on that point.

But that is neither here nor there. What Balliett is, more than a critic, and this makes him invaluable, is an enormously gifted chronicler of jazz, and one who seems to have listened to more music than any five of us put together.

Balliett is at his best describing drummers (he has been one). He says of Greer that he "showered everyone with cymbals." Of Freddie Moore, in a piece called *New York Drummers*, "You could build a house on his beat." Of Tommy Benford: "There is a metallic cast to him; if he were struck with one of his mallets, he would ring." He says Benford "surrounds his sentences with buffering silences, which give his speech a beneficent, upholstered

air." He says that Sidney Bechet "used the chords of a song but also followed the melody, which kept reappearing, like sunlight on a forest floor." His writing is full of such firefly phrases. But they are never merely cute and he knows enough not to overdo them. Writing that is too thick with imagery takes on an overripe quality, resembling fermenting peaches. His pacing is perfect and his ear unfailing — except for "layering" of course.

Ferguson's ear is not. He affects a hipness, and a common-man coarseness of language. "Terrific" is one of his pet adjectives for the admirable. Ferguson was a graduate — in English and history — of Clark University. He became known at *The New Republic* for his skepticism toward high art, his advocacy of popular art. His proletarian affectations produce such out-of-tune phrases as "because singing is music and music is such a wonderful thing..." Wow. At times one feels he has read too avidly Hemingway's mannered and all too imitable work. (Incidentally, at one point Ferguson uses the expression "where they're at." I was surprised to learn that this deliberate solecism was in circulation in the jazz world as far back as the mid-1930s.) Nonetheless, Ferguson's observations of the music and its makers and milieu are dead on. For example, he says of jazz critics, "The accepted way of writing about a jazz hero is to put in apocryphal details, such as he thought he heard Buddy Bolden play at the age of two and fell out of his crib at the same time; and the next thing he knew he was seven and one-half years old and really carving all the boys at funeral marches in New Orleans with a cornet he'd made out of the plumbing in a condemned WC in Storyville, after which he quickly went to Chicago to make one of the hottest records in the world, of which I own the only copy personally; and then he went to pieces and made some records even you can buy, only they're no good." In one essay he devastatingly satirizes the kind of language in which jazz was being discussed at *Down Beat* (or *Dead Beat*, as Don DeMicheal and I used to call it behind its back). And then elsewhere he commits hippy-dip sins of his own, referring to Jack Teagarden as "Big Gate" and "Mr. T.", and so forth.

But what is chiefly wrong with Ferguson's essays on jazz — and those on books and movies, too, which fill about half this volume — is not his fault. It is the fault of space restrictions in *The New Republic*. Most of those pieces are short, and though he sometimes treats the same subject in several essays, the effect is a fragmented one. No writer about jazz has ever had the luxury of space, excepting Balliett who, because of the character and editorial attitude of *The New Yorker*, seems able to explore a subject to whatever length it requires.

For all the skilled complexity (dare I say "layering"?) of Balliett's writing, his approach is essentially simple. He is an unseen emcee, reading an introduction to the act to give you a sense of its value. Then he falls silent and lets the artist speak in lengthy direct quotation, telling you about his work and himself. When you are through, you have grasped the artist's intent, which is crucial to any understanding of art. No one does this better than Balliett and too many writers don't do it at all. After reading Balliett's piece on Ornette Coleman, it is hard to tell whether he likes the music or not, but one certainly understands Coleman better — as one does Jelly Roll Morton, Jabbo Smith, Doc Cheatham, Fats Waller, Dick Wellstood, Vic Dickenson, Dave McKenna, and other subjects of these sixteen essays.

Ferguson annoys you at times by talking down to you. Balliett never talks down. He treats his subjects and the reader with

respect and the implicit assumption that anyone who appreciates good music has the wherewithal to appreciate good writing. His tone is Brahminical, elegant, and unselfconsciously poetic. He writes the way Nathan Milstein plays fiddle, the way Benny Carter plays alto. He is the aristocrat unaware of it, who, showing you the beautifully furnished town house of his mind, assumes you are accustomed to drinking from Spode. And when he enters your terrain to interview you, he seems oblivious to the fact that your teacups are chipped. And that is possibly how he gets those interviews.

The good in Otis Ferguson's work far, far outweighs his lapses and it is clear that the man deserves a monument of some kind, if only in our minds. And he left a sound definition of the function of criticism.

A critic has two functions: (1) to spread knowledge and appreciation of his subject among those who don't know but might learn about it; (2) to encourage those who are doing the work and tell them how it is "coming over," with as little bias and as much understanding as possible. And that is quite a task, requiring a constant and humble passion to know everything of what is being done and how everything is being done; and just as steady a passion for learning how to explain this so that it will somehow mean something to the performer and his audience alike. The best people I have discovered to learn about music from are the musicians, who would not be found dead in the kind of talk generally used to describe their work. The task of describing and estimating their work is not impossible. The main trouble is, it isn't even being attempted.

It is now. Whitney Balliett is the fulfillment of Otis Ferguson's prophecy.

The Square on the Lawn

by Michael Zwerin

PARIS

In the summer of 1949, I was in New York on vacation from the University of Miami. I was eighteen. In those days I played my horn like a kid skiing down a slalom, with more courage than sense. One night I climbed up to Minton's where bebop was born, in Harlem. A lot of white cats considered Minton's too steep a slope but I never imagined that somebody might not like me because I was white or Jewish. I was absolutely fearless. I walked in, took out my horn, and started to playing *Walkin'* with Art Blakey, then known as Abdullah Bihaina — a fearful cat, I was later to learn.

When I noticed Miles Davis standing in a dark corner, I tried harder, because Miles was with Bird's band. He came over as I packed up. I slunk into a cool slouch. I used to practice cool slouches. We were both wearing shades, no eyes to be seen. "You got eyes to make a rehearsal tomorrow?" Miles asked me.

"I guess so."

"Four." Miles made it clear he couldn't care less if I showed up or not. Driving home over the Triborough Bridge, I felt like a batboy who had been offered a tryout with the team.

The next day at four I found myself with a band that would come to be called the Birth of the Cool. Gerry Mulligan, Max Roach, John Lewis, Lee Konitz, Junior Collins, Bill Barber, and Al McKibbin played arrangements by Mulligan and Gil Evans, who was musical director.

Miles was...cool. Pleasant, relaxed, diffident. It was his first time as leader and he relied on Gil. He must have picked up his famous salty act some time later, because he was as sweet as his sound that summer.

It did not seem historic or legendary. A good jazz gig. But there were plenty of them then in New York. We certainly did not have

Men have died for this music. You can't get more serious than that.

—Dizzy Gillespie

the impression that those two weeks in a Broadway joint called the Royal Roost would give birth to an entire style. It was fun being on a championship team and when Gene Krupa's entire trumpet section took a front table to hear us, I was proud. But my strongest memory of those two weeks is the one we played opposite Count Basie, who then had Wardell Gray on tenor saxophone. Like a later summer spent listening to John Coltrane with Thelonius Monk at the Five Spot, Wardell with Basie is a sound that has never left my head and I will go to my grave with it.

How would my life have changed had I stayed in New York after the summer of 1949 instead of going back to Miami and college like a good boy? A few months later, Miles made the "historic" Birth of the Cool record with Kai Winding on trombone, and I became a footnote to jazz history. When I later read about Gerry Mulligan's success with his pianoless quartet in *Time*, I moaned. That could have been me. Had I committed myself to jazz at that point, I think that today I would be one of the ten best trombonists in the world. I had everything but the conviction. It was an unforgivable crime and I'm still paying for it. "You're an under-rated trombone player," a customer in an Amsterdam club recently told me. "It's better than not being rated at all," I answered. I'm not so sure.

Leaving the Russian Tea Room after a three-martini lunch, when I was president of Dome Steel, I crossed Miles and Gil Evans arriving. By now I had a familiar stomach lump in such situations. It's terrible, having nobody to blame. Miles and Gil had followed their forward dance. It was a bright autumn afternoon and Miles looked as though he has just stepped out of the pages of *Esquire*. He was wearing a flared suede single-vent jacket and leather driving gloves with belts on them. The doorman was parking his Ferrari. I was afraid he would not acknowledge recognizing me. We had not met since the cool had been born. But he poked my stomach and said in that sandpaper voice of his, "You're getting fat, Mike."

One recent afternoon I was with Chet Baker in the Club Dreher on Place Chatelet in Paris. He stopped talking when the tape played Miles' *The Man with the Horn*. Chet stared at the bottles for a while and said, "That sure is romantic music." And it's true. Miles Davis has in fact never played bebop, cool, fusion, or funk. He has always been a flat-out up-front romantic.

That is why Miles and Coltrane made such a timeless team — the Nineteenth and Twentieth centuries in tandem. And like a true

Nineteenth Century romantic, Miles is always disappearing, with a wave of his Byronic cape and a consumptive cough, into the mists on some brave, secret, lonely mission. Always to reappear just when you need him. James Baldwin called him "a miraculously tough and tender man."

Towards the end of John Coltrane's period with Miles, he was searching desperately to find his own personality. His solos were getting longer and longer, sometimes lasting forty-five minutes in a forty-five minute set. Miles said to him, "Man, why don't you try playing twenty-seven choruses instead of twenty-eight?"

Trane answered, "I get involved in these things and I don't know how to stop."

"Try taking the saxophone out of your mouth," Miles said.

When I came back to New York from Miami, I played the Roseland Ballroom for several weeks. I forget the name of the band. It was a forgettable band. People nostalgic for the big-band era forget how many forgettable big bands there were. Yet here I was, finally — a working musician, waking up hung over at noon. I couldn't believe my luck. When I finally made my first big name band, the name had faded and the band had shrunk.

Claude Thornhill loved confusion. It seemed to be his only remaining pleasure. He never called out the number or the name of the next arrangement. Each started with a piano introduction and we had to recognize it. He tried tricking us with oriental, Flamenco, or atonal disguises. He could be pretty clever about it. We would wait for Squirms, the lead trumpet player who had been with Claude so long he could hear through him, to shout *Lover Man* or *Witchcraft*, and then we scrambled to pull out the chart.

When we were ready, Claude modulated with grace and musicality into another introduction and watched our confusion. Eventually Squirms screamed another title and we scrambled again. It could go on three or four times. In the meantime, Squirms might grab a fast blast from the portable leather bar he always carried ("my band aid," he called it) and groan, "This band should disband."

Claude adored the confusion of setting up. Combination French horn player and bandboy, Nooch, would be unpacking while musicians ran scales and stagehands fussed. Once Claude grabbed a microphone, announced "Testing testing onetwothree," and then, looking revolted by the results, began shouting firm and unintelligible instructions to nobody in particular. He looked up, pointing with horror: "What the blirly spidle restitrew?"

"You're putting me on," said the drummer.

"Are you kidding? He'd want to wear a drummer?" Claude laughed to beat the band.

"Put on" is originally jazz slang. It is at the root of the irony of jazz humor. We would laugh at what was not supposed to be funny. Spotting a put on was passing the test. Considering the context of sick humor jazz musicians existed in, it was odd that I could not laugh at Claude Thornhill's sick jokes. One time he went down in the diving bell they used to have off the Steel Pier in Atlantic City. There was a microphone in the bell and people on the pier could hear the "ohs" and "ahs" of the experience. We heard Claude's voice among the others, getting louder and louder until it became a scream. "Look, look, water, water! There's a leak. Oh my God! Help! Please somebody help me! We're all going to drown like rats in a trap! Help!"

That might have been an amusing little number had it not been for the fact that he sounded like he thought he was really drowning. He could see the water coming to drown him. He really did need help.

Claude died a few years later, but he was already dead musically by the fall of 1958 when I toured with his band for six weeks in Texas, Oklahoma, Louisiana, and states like that.

What ever happened to Mike Zwerin?

Mike is alive and well and living in Paris.

For those not familiar with his work — he's been an expatriate for quite a while — Mike is a fine trombonist who became known when he was a member of the Maynard Ferguson band. A strange thing happened on the way to the job. His father died and Mike suddenly found himself the president of Dome Steel. I found it very hard to imagine Mike as the head of a steel company; so did he, and in fact he would stash his horn in his office in New York so that he could slip away to play gigs. Eventually he gave the position up, returned to playing full time, and became jazz critic of the Village Voice and then its London correspondent. He now writes regularly for the International Herald-Tribune and freelances for various European magazines and continues playing.

Mike has just written an autobiography, which is to be published in London next fall by Quartet Books. There's wonderful stuff in that book. It has a naked honesty that is very rare. This essay is condensed and excerpted from the book, which is titled Close Enough for Jazz.

Claude had been a pioneer, the first commercial dance band to play bebop arrangements and Charlie Parker tunes as early as the mid 1940s. They were good, too — by Gerry Mulligan and Gil Evans. They were still in the book in my days but rarely pulled out. Claude was highly amused when we played *Walter Winchell Rhumba* instead. He saw it as a huge dark joke on the public. But when he was drunk, he would sometimes launch into an introduction even Squirms couldn't remember, until finally he'd yell, "*Anthropology*" or "*Yardbird Suite*." But that was not often.

He was then a small, shrunken man with a W.C. Fields nose, and there was quite a bit of Fields in him in general. His hair was combed straight back and the hairline was receding. His waistline was expanding. His eyes were often glazed, which I attributed to excessive alcohol, but Squirms told me that Claude had once suffered a nervous breakdown and had had electroshock therapy, although he drank enough, too.

The band's basic style was built around a soft, smooth sound obtained by a French horn playing melody with harmonized saxophones. It was like Glenn Miller with brains. Claude had been on top for a while with that sound, playing the best theaters, clubs, and hotels. His theme song, *Snowfall*, had been on jukeboxes. But by my time his fortunes had taken a decided and, as it turned out, permanent turn for the worse. Arrangements written for full sections were being played by only one trombone, two trumpets, four saxophones, and a now guitarless rhythm section, plus the essential French horn. We worked country clubs, American Legion halls, and high school gymnasiums in provincial towns where Claude Thornhill was still a name. Referring to more successful "ghost" bands — Sam Donahue and the Tommy Dorsey Orchestra, Ray McKinley and the Glenn Miller Orchestra — Claude said to me after one particularly grungie affair, "I guess you have to be dead to make it these days."

All twelve of us travelled in two cars and a supply truck, which was driven by Nooch. Claude's road manager, Kurt, who also played saxophone, was a fat nervous type who kept trying — unsuccessfully — to look cool.

I learned about the day sheet. In those days, if you checked into a hotel at seven a.m., you could check out as late as four the following afternoon and pay for only one night. With a little planning and a missed night's sleep here and there, it was possible to check in only three times a week. And ghosting. Ghosting is when two guys check into a double room, and some time later, four more wander through the lobby as if they are checked in somewhere else. By staggering their entrances into the elevator, they could usually get to the room without detection. There they would sleep on a couch or on the floor, and the cost of the room got split six ways instead of two.

After a three-day drive interrupted only once by boss ghosting, we arrived in Port Arthur, Texas, just in time for the day sheet. Squirms and I were wary of ghosts, so we decided to room together alone, cost notwithstanding. We went to sleep, leaving a five p.m. wakeup call. I unpacked my horn beforehand. The hardest part of practicing is taking the monster out of the case. It is often an insurmountable psychological block. By five-thirty, I was warming up.

I fastened the slide to the bell at varying angles until it fit my hand, lubricated the stockings, put vaseline on the tuning crook so it would move easily but only when I wanted it to, passed a brush through the tubing, polished the balance weight, and made sure the spit valve was properly corked. I shone the bell inside and out with a chamoix cloth, caressed it and might even have kissed it had not Squirms finished throwing up in the toilet and emerged groaning, "I'm sick and tired of waking up tired and sick."

Now here was a hero, my roomie, Squirms. His definition of a square was someone who didn't like throwing up. A funky road

rat with bleary eyes and a green complexion testifying to a dedicated pursuit of happiness, Squirms was laying low from the day. Daytime was not his friend. Under cover of darkness, he consumed small packages of powders and liquids from vials. He almost never ate, and yet he was overweight. If the gin people had added vitamins to their product, he would not have eaten at all. He ate out of a sense of duty. His idea of a meal was one Drake's cake.

Squirms poured himself a libation from his band aid, a quadruple. Four fingers, no fucking around. The smell of alcohol joined that of codeine syrup and the dyspeptic cloud which surrounded Squirms at all times. Even a ten-foot pole was not enough to escape its touch. The fact that the lead trumpet player sits in the middle of the brass section made playing a brass instrument hazardous with Squirms, who would joke, "My mouth feels like dinosaurs are walking around in it." Squirms smelled like cat food. He even looked like cat food. The yuckie kind that comes out of a can.

Squirms won farting contests, which involve big-league farts with road rats. Trombone players have been known to bribe band boys not to set their chairs directly in front of Squirms. And road managers have used the threat of having to ride in the same car with him to keep unruly players in line. "Not that, Kurt, anything but that!"

Affectionately called Filthy McSwine, Squirms believed that playing a saxophone held together by rubber bands and chewing gum was essential to Charlie Parker's genius. He thought that the new breed of educated, punctual, well-mannered and responsible musician would be the death of the music. He considered himself to be preserving tradition, upholding true values. Everybody was too clean, that's why jazz was in trouble. His theory was that soap was bad for the skin, that it contained chemical impurities that interfered with natural body juices. "Look at cats," he'd say. "They wash with their own spit."

His fierce and dependable lead trumpet playing was a miracle. The lead trumpet player of a big band must be a concertmaster and quarterback in one. He must be clear-headed, with fast reflexes and great strength. The chair requires a unique and demanding combination of physical conditioning, tact, leadership, and intelligence. Lead trumpet players often lift weights. Heart attack is the occupational hazard. There was

Most jazz critics would rather catch another jazz critic in a minor mistake than bring Bix back from the dead.

—Grover Sales

controversy over Squirms in the band business, much as there was over fast-living quarterbacks such as Joe Namath in the sports world. Is it possible that dissipation can help, not hinder, performance? In certain cases involving genius, this may be true. One element of genius, after all, is excess. Geniuses by definition are abnormal. How can they be expected to conform to norms? Physically, however, geniuses are mortal. And in addition to his not being a genius, the wonder was how Squirms' heart could take it. Kurt suggested he leave his heart to science.

I have neglected to mention Squirms' legendary cough syrup switcheroo. It went like this. Place a can of Coke on a table next to a bottle of maximum codeine cough syrup. Bury your head in the sports page. Read for a while and then, absent-mindedly, reach for the Coke. This avoids the awful anticipation of the syrup's sweet and sickening consistency. Pick up the syrup by "mistake" and "discover" the "error" after it's all down. Act surprised. Swear. Burp. Wash it down with Coke.

We are doomed, every one of us, to playing the hero in our own life story.

—Orson Welles

This went on three times a day when Squirms could not score anything harder (and sometimes even when he could). After only one day sheet, empty syrup bottles would be rolling around under the bed and in dresser drawers. Chambermaids would give him knowing winks. "Cough any better?"

This did not embarrass him. On the contrary, he was proud of his excess. He gloated and joked about it: "My stomach may be a mess, but I haven't had a cough in three years."

Some context is necessary. Squirms is an exception, not the rule. He was both larger and smaller than real life. Most jazz musicians are somewhere in between. They are, for the most part, more or less normal blokes who take no more drugs than advertising executives. They might drink a bit because the road is tough, but so do truck drivers. They have neither the courage nor the desperation it takes to live like Squirms, one long chemical Russian roulette game. Obviously I am not speaking about the great names. But by far the majority of jazz musicians are normal guys who have found a way to live outside organized society — to avoid work in banks, record company offices, or music stores. This takes a certain amount of sanity. Writing about Squirms is one big sick joke, and thus of some interest. But it's a past interest. His type plays rock today. Rock stole our excess, like our licks. So here we are, preserving exotic folklore about an endangered species. I felt pleased, being finally part of that folklore, even if only to observe it, as I walked into the ballroom in Port Arthur, Texas, for the first date of the tour.

Claude was no longer even interested in how his band sounded. He never gave instructions about vibratos, phrasing, or dynamics, if he ever even thought about such details. When someone was out of tune — which was not unusual — Claude would pound an A on the piano. Over and over, two and sometimes four octaves. The customers usually looked perplexed, as if they did not understand modern music. At no time would he say or do something to improve the intonation. He would just pound those notes and laugh. Once it got so bad he stopped pounding and rose from the piano bench waving a white handkerchief in unconditional surrender.

We were protected by a thick coat of provincial ignorance. Once in a while, a group of local musicians came to hear the famous Claude Thornhill orchestra, and then he would go out of his way to play the dumbest arrangements in the book, which was pretty dumb. We did have our moments, and some nights for four or five minutes we could come close to a reasonable facsimile of the Claude Thornhill of yore. We were like an expansion team, over-the-hill veterans, rookies, and a few like myself who had other things on their minds. Bill's drumming varied with the quality of the girls on the dance floor. If they excited him, the time would speed up; if the pickings were lean, it would be like walking through mud. The bassist was a nineteen-year-old hippy from the Bronx who flew over all sorts of marvellous notes, few of which had any relation to the relevant chord.

I was loafing by the bandstand on a break between sets at the Fort Worth Country Club when Claude, looking elegant in his tuxedo, and giggling into the palm of his hand, walked up to me and pointed to a pale blue-haired little old lady at a nearby table. She had a carnation in her white gown and eyeglasses with fake jewels on the rim. He said she had just requested *Chloe*. Claude had told her politely that we had no arrangement for this

composition and thus could not play it for her. She looked disappointed for a minute, then cheered up, snapped her fingers, and said, "Fuck it. Play *Anthropology*."

The next set we played *Anthropology*.

We bought an arsenal of cherry bombs in one of those southern counties where they were legal and tossed them out the windows on lonely roads. Outside Holdenville, Oklahoma, we spotted Claude's car behind us and tried timing the fuses so that they would explode under it.

The acceptable limit of ambition for someone who wants to be called "hip" is to do what you want as well as possible, and if you get rich and famous from it, so much the better. Eschew the accumulation of capital or power for their own sake. Conniving for either is considered square, though if they arrive on their own, so much the better.

Bob Dylan said, "Money doesn't talk, it swears." The problem is deciding how much money is enough — and how to keep it from talking dirty. How many shiny things do I really need? What's my purpose in life?

Everyone has their own way of escaping such questions. Keeping on the move is one. Congressmen go on the campaign trail every weekend. Normal people visit ten cities in twelve days on their vacations. Young men ship out to sea. Working-class families live in trailers. Dictators visit their provinces. Beatniks went on the road. Hippies crashed in Goa. Copping out of a straight society is central to the "hip" ethic, and playing with a road band is as good a way as any to do it.

All you have to do is show up on time and sober, and not all that much of either, at that. Alienation is no longer a problem. You are alien everywhere. You travel thousands of miles from Bangor to Baton Rouge — or Berlin to Barcelona — and end up in a hotel exactly like the one you just left. You speak to and play for people exactly like the people you just left. You cannot be reached, mail does not catch up to you. You skim more than read; you pass out rather than fall asleep. You work when everybody else is off, have breakfast in the evening and dinner at dawn. Disorder is the order, and physical alienation is so powerful, so omnipresent, that no treatment seems too extreme. Nobody can even question the need for treatment. Playing chess will not do the trick. You've got to find a familiar internal place to hang onto, it's a matter of survival. And there is one place, a warm corner called stoned.

I shiver remembering one hop we made with Squirms at the wheel. "Wake me up when we get there," he said as we started out. His band aid was empty by the time we reached the outskirts of Dallas, and he was complaining about the absence of coke to tone up his smack.

"Look at that fucking square," he snarled, pointing to a man in an undershirt watering one in a line of small lawns. He looked square all right, watering his lawn at seven in the morning. He did not look like he had been up all night. Battling heartburn, I put on shades. The square stopped to smell a flower. His better half was probably cooking ham and eggs, maybe waffles. I could smell them blend with the odor of perking coffee in a sparkling kitchen flooded with morning sun. It did not seem as square as it would have a few weeks earlier, and I did not feel as hip as I would have liked. Wouldn't it be hip, I thought, if hip turned out to be square?

We pulled up at a light on the corner of "Shoe City" and "Hamburgerville". American commercial enterprises often take names which, they hope, will put them on a larger map. Shoe Village, Bargaintown, Foam Rubber City, Disneyland, Miss Universe. This sort of geographical exaggeration is all over our culture. An adjective can cover square miles — Dullsville, Fat City. Squirms extended it to cosmic proportions with a game he called Wordgrad. After a gig, he'd kick it off by saying something like, "Tired Hollow, man." Or, seeing a beautiful woman,

"Stacked Junction." As we started driving towards the last date, even Squirms squirmed with the ultimate Wordgrad: "New York City City, baby!"

The last hop was from Dallas to Midland, Texas. We checked out of the White Plaza Hotel late in the afternoon, planning to drive at night after the gig to open the day sheet in Midland. Claude passed out in the back seat at two in the morning, when we finally left. He stayed that way the entire drive. We had to shake him awake in Midland. Eventually he flopped out of the car, entered the hotel, and staggered toward the elevators. In the middle of the lobby he stopped, seemed to remember something, and approached the desk. "Let me have my key," he stuttered. The clerk looked puzzled and asked his name. Standing nearby, Kurt explained that this was Mr. Thornhill, who was expected. The clerk asked what kind of room Mr. Thornhill would like. "Look, just let me have my key," Claude repeated, getting red in the face. "I like my room. I don't want to change it."

Claude had not checked out of the White Plaza and did not realize we were now in Midland, three hundred miles west of Dallas.

I was reminded recently of how old and tired Claude looked that morning in Midland when I purchased a record called *The Billie Holiday Story* and saw his picture in the enclosed booklet. He had accompanied her on a number of recordings and the photo shows a clean-cut cherubic face with a winner's smile. The contrast between those two images tells the Claude Thornhill story.

But he kept his dignity as his audience dwindled. His hair was always combed, his suits pressed, his face shaven, his bow tie straight. I marvel at how much control that must have involved, considering the skid he was on. He knew he had been something special. It had taken imagination, taste, talent, and courage to play Charlie Parker's *Anthropology* at fancy hotels and supper clubs when people had paid to hear a band that had won two *Billboard* magazine polls in the "sweet band" category. The distinctive, softly dissonant swing he had pioneered anticipated "cool" jazz by several years. In fact, Claude Thornhill, not Miles Davis, had given birth to the cool.

His closest friends were the most alienated guys in the band. He loved Squirms, for example. Claude was attracted to people who were defeated, cynical, dissipated — who were, like himself, victims of changing public taste and their own inability to adapt to it. Road rats, they appeal to me too. Losers appeal to me. Perhaps it can be explained by paraphrasing R.D. Laing. If alienating society calls those who cannot adapt to it "losers", does this not make them winners in a larger sense? In any case, road rats were to become so alienated that they were not even aware of the fact that some square folkie named Bob Dylan was singing about them: "How does it feel to be without a home, like a rolling stone?"

How have I survived my heroes? What a strange power jazz has over me. Some jazz musicians were outlaws, but I did not have their courage. How I envied Allen Eager. "Allen Reluctant," we used to call him. No Jewish tenorman has ever played more like Lester Young. The first time someone told me about Stan Getz, he was described as "playing even better than Allen Eager." There were many other white Presidents — Stanley Kosow, Brew Moore, Johnny Andrews — and I had played with all of them in Brooklyn strip clubs. They had taught me tricks like running augmented arpeggios on dominant seventh chords. Listening to them had been my school. But none of them had taught me more than Allen Eager. Allen was my Joe DiMaggio. I modelled my swing after his. He listened to Prokofiev, drove racing cars, (once won Sebring), frequented Swiss ski resorts, lived with high fashion models — boy, were they high — and patronized the best

English custom tailors. Miles kept trying to find out the name of Allen's tailor, but Allen wasn't talking. This was no nodding-out nose-scratching junkie fixing in dirty toilets. He was always sharp bright, on top of it. He could hold his own with poets, writers, and classical musicians. He was a model to me of what hip should be. Much later, not too many years ago, I ran into him, living in a broken-down house in the black slums of Coconut Grove. He had lost his teeth and was a born-again Christian, on welfare and the food stamp program.

In Paris in 1957, Allen was rooming with Beat poet Gregory Corso. Miles was between sets in a dark corner. I always seem to see Miles in dark corners. He put his arm around my shoulder asked about my health, and generally made it clear that he was concerned with my welfare. His smile went a long way with the ladies. A club owner once said to him, "The trouble with you is that everybody *likes* you, you little son of a bitch."

My period with Maynard Ferguson ended with two weeks in Birdland, opposite Miles. Coltrane was with him. Miles and I were sitting together at the musicians' table on the side, in a dark corner once again, listening to Wynton Kelly, Jimmy Cobb, and Paul Chambers, his rhythm section at the time, playing *Oleo*. Miles had not greeted me once in a week, and we were not really together at the table. He looked furious. "What the hell is Paul doing with the time?" he said.

The time sounded pretty good to me, but I said nothing. He got up to bound towards the stand to do something about the time. He paused long enough to pat my knee and said, "You're still too fat Mike."

—M.Z

Twelve Fingers

After the commercial failure of his ghost band, Fingers began to wonder if he might be in the wrong business. Honest Records let his contract lapse and Walter Wohlkarpitz sent him a final royalty statement indicating that he was in debt to the company, for \$11,692,431.09, of which more than seven million was for photography and liner notes. The Duchess of Bedworthy, looking elsewhere for amusement, became the manager of a troupe of midget acrobats from Nepal. Sensing her coldness, Fingers asked if she would send him his scrapbooks, his record of happier days but the Duchess said she had accidentally thrown them out with a pile of old *Down Beats*. Park Benchley and Piggy Friggente no longer invited him to their parties, and Benchley had his unlisted phone number changed. The Hemisemidemi-quaver became successively a strip joint, a macrobiotic restaurant, a discotheque, a massage parlor, and a Nepalese restaurant staffed by a troupe of unemployed midget acrobats.

It was the darkest time of Fingers' life. Twice he overdosed on 222s, obtained from a connection in Toronto, staying stoned for two days the first time, three the second. Isabel Ringin returned the lead sheets he sent her. Amanda Reckonwith didn't bother to do that. Even the members of his old rhythm section, Simi Lowe and Willie Rushmore, who had given up their duo to go into the jingles business and had purchased Darien, Connecticut, were barely polite to him when they encountered him on Seventh Avenue, looking for a gig.

It was at this point that Fingers heard about Woody Herman's remark that the best preparation for the music business was a law degree. He got a job as a cab driver and enrolled at Cheatham Law School. Although he pursued his studies ardently, his love of music would not leave him. He wrote a song consisting of a rising and then descending C major scale, which he called *All of a Sudden My Heart Sinks*. Fascinated by the principle which he had discovered, he wrote similar songs in all the major and minor keys utilizing the same rising and falling pattern. He continued his

exploration of the principle and wrote similar songs in all the modes and in the whole-tone, diminished, chromatic, and pentatonic scales. He copyrighted this massive song cycle under the title *The Ill-Tempered Clavichord*. "He has it covered," as Pandit Mersey-Leslie — his only remaining friend during this difficult period — put it.

Fingers was graduated in only two years at the head of his law class. He was quickly admitted to the New York State bar and hung out his shingle. He missed music, of course, and spent his Sundays improvising in his triskaidekaphonic system, relishing the rich colors of his flatted fourths and octaves. His law practice flourished and he moved to Park Avenue and East Sixty-fourth Street. Gradually his old life faded into memory.

One afternoon, however, lacking anything better to do, he decided to re-read his contract with Honest Records. For the first time he was able to understand it. "Like, wow, man, I've been screwed," he said to himself. He filed a malpractice suit against his former attorneys, Schmartz and Scheisster. He won his case and was awarded two million dollars. Schmartz and Scheisster were disbarred in New York State and moved to California, a national wildlife preserve for crooked lawyers and judges. Fingers then sued his former business manager, Sawyer Cockoff, for mismanagement of funds. Cockoff settled out of court for a sum that has never been disclosed.

But Fingers' great legal masterstroke was yet to come. Driving home one night to his estate in Old Lime, he noticed that after the radio station to which he was listening went off the air, it emitted only silence, marred of course by a little surface noise.

Fingers had always recognized that silence is a major component of music, and the more he listened to the silence being broadcast by the station, the more it resembled his Eighth Octet, Opus 888. This octet is notoriously difficult to play, containing as

The blues will always be with us, as long as there is someone crying and there are gypsies.

—Dizzy Gillespie

it does such details as double stops on oboe. So many notes had been marked tacet that the recording consists of twenty-three minutes of silence. The album had not sold well, in spite of a review in which Pandit Mersey-Leslie had called it "restful", but Fingers remained fond of it.

Fingers stayed up that night, making notes on all the radio and television stations that played his octet during the early morning hours. He realized that he had a massive hit on his hands and neither BMI nor ASCAP nor for that matter SESAC had bothered to log it.

He began preparing a suit against the broadcasting industry — and the recording industry as well, since they were playing segments of his octet in the grooves between the tunes on LPs. Meantime, for recreation, he worked on another magnum opus, his *Twelve-Tone Tunes We All Love to Sing*. (He felt that his triskaidekaphonic system was too difficult for most singers.)

The broadcasting and record industry lawyers laughed when Fingers sat down to play hard-ball with them, but stopped when Federal Court Judge Fairley Honest ruled in Fingers' favor on grounds of recognizable resemblance, which is the criterion in music plagiarism cases. Going into panic, networks and radio stations began broadcasting music all night, but Fingers filed a second suit and proved that he had been granted copyright on all the scales and modes and any portions thereof.

Pandemonium reigned in the Brill Building and, when Fingers put liens on all the music publishers, it began raining royalty thieves in New York. Music business executives were O.D.ing in men's rooms all over Nashville, Los Angeles, and Mussel Shoals. *Wombat Owns Music!*, *Trash Box* headlined.

The suits and countersuits dragged through the courts for years. On May 12, 1985, the U.S. Supreme Court ruled for Fingers. The damages amounted to more than ten trillion dollars, which the industry was unable to pay. The seventeen corporations that controlled virtually all communications in the United States came into Fingers' ownership. Legal experts predicted that he would win pending cases in England, France, Canada, Australia, New Zealand, Andora, Lichtenstein, and Micronesia. Fingers Wombat owned all the tones and all the silence on earth.

Fingers was as generous in victory as he had always been forgiving in defeat. He allowed Walter Wohlkarritz to stay on at Honest Records as his general assistant. Shaken by this magnanimity, Wohlkarritz underwent a conversion and became a champion of ethical behavior and the rights of the artist, almost to the point of being boring. Fingers announced that he was donating all the scales and chords to musicians everywhere, to be used by them in perpetuity without paying royalties to him. He forbade royalty theft by his record companies and publishing houses, and set Wohlkarritz to police the industry, on the grounds that no one in the world knew better how these larcenies were committed.

He required that his far-flung broadcasting empire pay royalties to performers, and he increased the airplay royalties to composers and lyricists. He required BMI and ASCAP to do full and accurate loggings and, since he owned the publishing industry, he had the clout to see that it was done. He raised the mechanical royalty to ten cents a track. Following the French practice, he gave composers and lyricists two-thirds interest in their own songs, rather than the fifty percent previously paid by American publishers. He commanded that all record contracts be structured like those of Brazil — studio and production costs to be borne not by the artist but the record company, royalties to begin with the first record sold.

He prohibited the graphic portrayal of violence on television, one result of which was an eighteen percent decline in public violence. He forbade the recording of bad music and illiterate lyrics, which produced an immediate and startling rise in the literacy of school children. Accused of censorship, he replied that a measure of censorship was implicit in any selection process and that whereas the broadcasting and record industries had for years systematically censored out the good, he was merely censoring back in.

Fingers endowed schools all over the world with scholarships and band instruments. Children were trained in sight singing at the age of six, and so it was never again possible to con or deceive the young about music. And the stimulus of dealing in abstractions raised the general level of intelligence by twelve points and brought about improved performance in all forms of logical thought. The music of the world was changed. Hatred waned, beauty reigned, and serenity followed in its wake.

Fingers was awarded an honorary high school degree in his home town. When he returned to Wisconsin, the Skye High Marching and Drinking Band performed a concert of his classics, including *Wombat Ramble* and *Tiber Rag*. Fingers thought the performances left something to be desired, but smiled in gentle tolerance, and he was touched by the tribute.

He encountered many friends from his childhood, including Patience Hopefully, with whom he had attended kindergarten. She was now the Skye librarian. Fingers was amazed to learn that she had through all these years kept a scrapbook of his achievements, and so his clippings were not lost after all.

He postponed his departure for a week, and then another week, and Patience finally admitted that she had always loved him from a distance. And so they were married and went to live in a house in a far-off forest, by a lake with swans.

And we all lived happily ever after.