



# JAZZ NOTES™

THE JOURNAL OF THE JAZZ JOURNALISTS ASSOCIATION™

Vol. 19, No. 2 • Summer 2008

IN THIS ISSUE

Letters to the Editor	3
From the Editor	4
A New Working Vision for Jazz <i>By Bobby Ramirez</i>	4
Cold Winter <i>By Ashante Infantry</i>	5
Know Your Rights <i>By Howard Mandel</i>	6
My Face Plastered on Ginger Rogers <i>By Jane Goldberg</i>	8
Book Reviews <i>By Bert Vuijsje, Eugene Marlow and Reuben Jackson</i>	9
News of Members	12
New Members	12
Litchfield Jazz Festival	13

## JAZZ NOTES HAS GONE DIGITAL.

This issue of *Jazz Notes* is available in PDF only.

To download previous issues or to discuss this change, visit [www.jazzhouse.org](http://www.jazzhouse.org)

*Putting a crisis in perspective.*

## The IAJE Debacle

SO THE INTERNATIONAL Association for Jazz Education is no more. Like many of you, I was shocked to learn last month that the 40-year-old, 8,000-member organization, which for years hosted the JJA's workshops and welcomed our members as panelists on its Industry Track presentations, has gone bankrupt. I've heard expressions of anger as well as frustration about this, and unsubstantiated rumors, but the only substantive reporting I've read has been by JJA member Paul de Barros in *The Seattle Times*. While knowing what went wrong would be useful in avoiding such a debacle in the future, I don't see any upside to assessing blame. The mission of the JJA is to promote jazz journalism and the interests of jazz journalists, and it seems to me what we should do is think things through and look ahead.

There are suggestions that the JJA should leap into the breach and organize the significant constituencies who are now without an annual conference. But frankly, the JJA does not have the staff or resources to do what the President of the United States has characterized as "nation building." *Jazz Improv!* magazine has announced dates next January for its second jazz conference in New York. The president-elect of IAJE is one of a number of people who have called for a new organization to rise from the old one's ashes; JJA member Eugene Marlow is another. However, it's my opinion—and I speak for myself, not necessarily for the JJA in this—that jazz educators at the primary, secondary and college level need an orga-

nization, as do members of diverse jazz industries. While our interests do overlap, the educators have a vital agenda, and the record companies and presenters (loosely confederated in the Jazz Alliance



## President's Report

**Howard Mandel**

International, which has also essentially suspended operations) have theirs. The JJA should tread cautiously as the smoke clears, maintaining some independence.

Yes, we want to participate and can serve an active role, facilitating communications among activist members of the jazz world. Jazz journalists, as JJA member Dan Kassell has written, do indeed educate and inform; we also have broad perspectives and great contacts across many strata of jazz activities. What the JJA has done only a little of is produce and present — our biggest such effort being the Jazz Awards<sup>sm</sup>. The 12th annual Jazz Awards celebration is in process currently,

*continued on next page* >>

as you already know. Having watched sponsorship and other income for the Awards dry up, along with the rest of the jazz economy, in the past three years (certainly part of what brought down the IAJE), I'm reluctant to plunge our organization into ambitious commitments without the certainty of sufficient funding.

The JJA has indeed conducted discussions with a variety of U.S.-based partners, about conferences, conventions, realistic goals and potential projects we can contribute to and benefit from. At the time of this writing, I have nothing substantive to report, although the dream of a professional development weekend for jazz journalists is very much on the table. Where that table will be set, how and when, are good questions. I hope to have some answers by the next edition of *Jazz Notes*.

Meanwhile, I hope to see you among the nominees, musicians and supporters at the Jazz Awards on Wednesday, June 18 from 3 to 6 P.M. at the Jazz Standard, 116 East 27th Street, New York (go to [jazzhouse.org](http://jazzhouse.org) to order tickets at the low members' price—of course you've already voted). The board of the JJA—that's Forrest Bryant, Susan Fox, Gary Giddins, James Hale, Reuben

Jackson, Fred Jung and me—urge you members to communicate your thoughts and professional needs to us (all our contact numbers are in the membership database at [jazzhouse.org](http://jazzhouse.org)), and to pitch more public panels and enhancement programs to the summer's outdoor festivals, wherever you're located.

We can help you realize those projects. We're doing them in Chicago and Ottawa in June, but there are many opportunities we haven't pursued yet. We need new members, too, and the energy of committed members to accomplish many of the inexpensive online projects we've discussed, such as the mentoring of young and/or emerging jazz journalists. The work of the JJA lies ahead of us, and if we can coordinate that work with the rest of the jazz world, we shall. But with IAJE gone and the JAI all but MIA, it's vital that the JJA establish itself even more securely. We're one of the few independent, international jazz organizations still standing, and we intend to remain that way.

In solidarity, and guard your copyright!

—PRESIDENT HOWARD



**ABOVE:** Bassist Adam Lane at the Living Theatre, New York, March 7, 2008. Photograph by Rozanne Levine.

## JAZZ NOTES

THE QUARTERLY JOURNAL OF THE  
JAZZ JOURNALISTS ASSOCIATION

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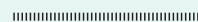
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The Jazz Journalists Association (JJA) is a 501(c)(3) non-profit corporation, promoting the interests of writers, photographers, broadcasters and new media professionals covering jazz. The JJA supports the creation and dissemination of accurate, balanced, ethical and informative journalism on all of jazz's genres; the growth, development and education of the jazz audience and the dissemination of information pertaining to jazz to the general public, by providing forums for the discussion of jazz-related issues and events, fostering the development of journalistic and presentation skills among new journalists and the continuing development of such skills in journalists already engaged in the field.

# Letters to the Editor

## Making the most of slim resources

TO THE EDITOR:

This former editor of *Jazz Notes* (1992–2001) wishes to go on record as fully in support of the conversion of the *Jazz Notes* format from hard copy to PDF file. Reading *Jazz Notes* online or from a computer printout is hardly an inconvenience.

During my nearly decade-long editorship, the duties that devolved upon me included eliciting and editing copy, penning the editor's column, designing and compiling the edition, delivering the camera-ready pages to and retrieving the finished product from the printer, purchasing stamps and affixing them to 400 or so copies, attaching notes reminding dozens of in-arrears members to pay their dues in order to receive the next edition, and mailing the publication. That some day, funding of one sort or another would materialize and provide a stipend for the multi-tasking editor, was my fond, but vain, hope.

The JJA and *Jazz Notes* are currently blessed with a working — that's the key

word — staff that is dedicated and of the highest quality. The duties listed above are now dispersed among several individuals in that body.

Until the JJA enjoys public or private sector funding and can afford to resume hard-copy distribution of *Jazz Notes*, let's put first things first. Insofar as fiscally feasible, why not apply some of the money saved by converting to PDF format to remuneration for those giving their time and energies to the operation of this very important organization to which we pay dues in return for many splendid benefits and a world-class quarterly journal. Meager compensation (for sterling services) though this would likely be, it would still help avoid staff burnout, the bane of volunteerism.

To clarify, the writer has discussed the views outlined above with no member of the JJA. They are, in their entirety, of his own inspiration.

W. ROYAL STOKES

## Losing the soul of the printed word

*The following is an idealist's reaction to the digital-versus-paper debate, conceived as nothing more than a spontaneous, personal message to the editor. We are printing it with the author's ok.*

TO THE EDITOR:

I admire your fight to keep *Jazz Notes* alive. Of course, I am on Bert Vuijsje's side, as far as the preference for a paper copy is concerned. I know all the arguments in favor of the more economically feasible electronic variant. But this throws everything into an unfathomable abyss. The printed copy has a reference value of its own, while the "virtual" media relativize everything

to the point of no return. I wonder how an author will be able to keep track of his appearances in public. Already, I no longer have any control over most things that appear in cyberspace concerning myself. As someone raised in the cult of Renaissance individualism and personal value, I am not at all fond of becoming an ant in some sort of worldwide Chinese-style globalization. So sad, that there is almost nothing to be done against this evolution, which will end up with humanity devouring itself.

VIRGIL MIHAU

# A New Working Vision for Jazz

► By Bobby Ramirez

**T**HE NEW WORKING vision for jazz in the 21st century should be to strive to become more diverse and culturally accessible, and in particular, inclusive of the Hispanic presence. Some may say jazz is already plenty diverse. But following the downfall of the International Association for Jazz Education (IAJE), the idea merits added attention.

Is jazz in today's world culturally reflective of most mainstream communities throughout the United States? For the most part, the answer may be yes. However, if you look closely at the roster of jazz artists at some of this year's jazz festivals, the opposite may seem true, at least in some areas of the country.

One particular event that, at least this year, lacks any musicians of Hispanic origin is the 29th annual Tri-C JazzFest in Cleveland.

No doubt this event presents a great roster of talent—from Natalie Cole to pianist Marcus Roberts and others—and elevates the art of jazz. But with a multitude of formidable Hispanic jazz musicians in America, it raises the question: Why are there no Hispanic jazz musicians performing at this event? Is this event reflective of the Cleveland community?

Regarding the downfall of the IAJE, could it be that a lack of awareness and distance from a more culturally diverse organization was one of the hidden causes of its demise?

I'm not speaking about the last five or even 10 years. I'm referring to a missed opportunity 20–30 years ago to realize that as an organization, it was necessary to embrace a more open and inclusive concept, a vision of jazz as a broad American experience.

It's a truism by now that the Latin influence in jazz has been fundamental in its creation and crucial to its development.

I'm sure the downfall of IAJE had many causes. But perhaps in theory, this train wreck could have been prevented if 20 years ago, the organization had been more focused on building cultural bridges to ensure a more prosperous future.



## Say What?

**W**HEN I USED to hear representatives of the International Association for Jazz Education (IAJE) talk about the state of the music, it sometimes felt like being at a blood drive. The rhetoric of concern, and strained optimism, was thick in the air, but little did anyone know the sick patient wasn't jazz—it was the IAJE itself. The April announcement of the complete financial collapse of the IAJE sent jaws dropping all over the community. Our own Willard Jenkins has offered sharp and continuing reactions on his blog, *The Independent Ear* ([openskyjazz.com/blog](http://openskyjazz.com/blog)), and

many have aired their own responses on Willard's comments board. He is not alone in calling for hard-nosed investigative reporting on the matter.



Noah Kalina

### From the Editor

**David R. Adler**

“As a former association staffer (Deputy Executive Director of National Council of Teachers of English from 1977–97), I know a little about the vigilance required in planning and management,” wrote jazz historian and JJA member Charles Suhor in an email to me. “So the IAJE president's statement that the board was ‘blind-sided’ by a report of financial crisis is disturbing, and the acknowledgment that some might ‘question specific strategies’ in meeting the crisis is provocative. I'm not suggesting a hunt for scapegoats, but a deeper understanding of the IAJE's failure is needed.” *Jazz Notes* and the JJA aren't exactly awash in resources either, but we'll do what we can to shed light and share news as time goes on.

Of course, the annual IAJE conference was one of the biggest meet-and-greet and public speaking opportunities available to JJA members. What all this means for our organization is not yet clear, although Howard Mandel, in his President's Report (page 1), outlines some of the pros and cons involved in our next speculative steps. This issue of *Jazz Notes* also includes a focus on freelancers' rights, copyright and intellectual property and other issues of continuing concern to independent journalists. We're getting squeezed in all kinds of inventive ways, but while the professional landscape we face is rarely pretty, the JJA and its members are accustomed to making the best of adverse conditions.



### DON'T MISS THE JAZZ AWARDS<sup>SM</sup>

Wednesday, June 18, 3–6 p.m.

Jazz Standard, 116 E. 27th St., New York

Visit [www.jazzhouse.org](http://www.jazzhouse.org) for more information!

# Cold Winter

► By Ashante Infantry

**F**REELANCERS IN CANADA are organizing against a controversial new policy that demands publishers' ownership of their work, without additional compensation for syndication and electronic use, and takes away the right to resell it.

Under the terms of the contract being implemented by Canwest, the country's largest publisher of English-language newspapers (including *The Vancouver Sun*, *The Gazette*, *National Post* and *Ottawa Citizen*), the writer grants, for a one-time payment, "express, irrevocable and exclusive right" and unlimited use of the content to the outlet for use in any of its mediums in perpetuity.

Another onerous passage of the contract, as excerpted from a Montreal *Gazette* version obtained by the Canadian Media Guild (CMG), stipulates: "*The Gazette* shall be entitled to edit, use, modify and publish the Content in any manner and/or form, and Freelancer hereby waives in favour of *The Gazette* and its assigns, all "moral rights" in and to the Content as such rights may now or hereafter exist whether by legislative enactment or otherwise at law or in equity."

In an open letter to *Citizen* brass, CMG wrote: "In our view, the only reason a company would need to hold the moral rights would be to have the unfettered right to modify an item beyond its original meaning."

Keith Maskell, the Toronto-based spokesperson of the 6,000 member CMG, said: "This is the easiest way I can explain it: Leonardo da Vinci paints the Mona Lisa and the King of France likes it and buys it. Then he puts it on the wall and says 'Hey! I just painted the

Mona Lisa.' Musicians who are particularly prickly about their work should be all over this. Sure, the record companies are going to claim copyright over the recording, but this is like them now going after the performance and the composition."

In response to CMG's complaint, Graham Green, Executive Editor of the *Citizen*, said the contract was a "private legal matter between the *Citizen* and

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## Canwest and other publishing conglomerates are moving in similar directions.

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the freelancer... Any changes to the standard agreement are done strictly on a case-by-case basis as part of a dialogue between the individual freelancer and the *Citizen*."

CMG has collective agreements with several media outlets, including the Canadian Broadcasting Corporation/Société Radio-Canada, Reuters and Agence France-Presse. But save "raising the righteous indignation flag," the body cannot legally act on behalf of freelancers, said Maskell, who defined freelancers as "independent contractors."

The Travel Media Association of Canada (TMAC) and Periodical Writers Association of Canada have also protested the Canwest initiative.

In his reply to the TMAC's complaint, Dennis Skulsky, President of Canwest Publications, said that "perpetual and multimedia rights have become standard practice for media companies as they secure their positions in the online world, and generally speaking it is a requirement in our agreements. Additionally, moral rights waivers are required to let our editors edit—without that waiver the editorial process could be compromised."

The move to expand publishers' rights is a counterattack against freelancer Heather Robertson's successful 2006 lawsuit against the *Globe & Mail*, Maskell surmised. *Robertson vs. Thomson Corp.* went all the way to the Supreme Court, which ruled that freelancers do indeed hold copyright on their work reproduced in electronic databases and should be duly compensated. (The *Tasini* ruling in the U.S. established a similar precedent.)

Maskell called Canwest "the newest and biggest bully on the block," but pointed out that other conglomerates such as Quebecor are going in similar directions. "Newspapers have moved to this type of contract to get them what they wanted from Heather in the '90s," he said, noting that until pressure from organizations like CMG succeeds, the options for non-marquee writers may be "sign the contract or don't buy groceries."

He counsels freelancers to negotiate, either to get the offending clauses deleted, or for an increased rate that compensates loss of copyright. But if that fails, he said, "You may have to decide if it's worth doing the work."

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### Moved? New email address? New affiliation?

Please be sure to notify the JJA's membership secretary, Jerry D'Souza, at [jerrydsouza@rogers.com](mailto:jerrydsouza@rogers.com)

# Know Your Rights

► By Howard Mandel

**C**OPYRIGHT IS THE constitutional right of ownership of materials created by individuals, including but not limited to jazz journalists. Laws and extralegal practices regarding copyright—and infringements of copyrights—determine how independent contractors like writers and photographers, in particular, can profit from their efforts. But copyright law and practices have undergone extraordinary turns in recent years. Intellectual property rights lawyer Jonny King—also well known as a jazz pianist—addressed several of my questions about copyright, inspired by last year’s circuit court decision overturning (on a technicality) the remedy for a class action lawsuit regarding infringements of freelance writers’ copyrights on the part of Internet-based companies and publishers.

**HM:** Is copyright law the same for writers, photographers, broadcasters and new media professionals?

**JK:** The copyright statute does treat certain works of authorship differently than others. The copyright in a musical composition and the copyright in a sound recording of that composition, for instance, are two different things. Computer software has its own set of copyright rules, and some works are not protectable, by legal custom—clothing designs, for instance, like the cut of a t-shirt, though the printed graphic image on the t-shirt may be protected.

Literary works classically have all the rights afforded by the copyright statute—to license, reproduce and distribute the work and create derivative work based on the originals.

**HM:** Is copyright protection important to content providers now?

**JK:** Protecting your copyright is always important, if you want to continue to exploit it. There’s an important distinction to be drawn: There are certain

kinds of intellectual properties which if you don’t police their use, you’ll lose your rights to them. If I’m a brand owner and I own a trademark and let everybody use it without license or authorization, I can lose it. Copyright doesn’t require that. You can let infringers from one to 1,000 get away with using your copyrighted work, but

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**“An enormous number of copyright infringements are not worth pursuing... You have to protect your copyright wisely.”**

— Jonny King

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you could go after infringer 1,001. Regarding copyright but not trademark, you can pick and choose which battles you want to fight.

As a practical matter, though, an enormous number of copyright infringements are not worth pursuing. The Internet is the world’s greatest vehicle for infringement; it’s so easy to reproduce materials on multiple websites. Is it possible to go after all these infringers? I don’t think so: It’s expensive to hire lawyers, and the relief is not always worth the fight. Some of the infringements may be of old articles, for instance, or there may be an infringement that it’s just as well to accept, perhaps, to have your name out where it’s being seen. You have to protect your copyright wisely.

**HM:** What do you think of the case *Tasini v. New York Times*, in which the Supreme Court determined that the use of freelance articles online by newspapers and magazines that commissioned them was a different use than putting them

in print, requiring different rights to be signed over by the copyright holder?

**JK:** Some people think that judgment backfired for the writers—who won the case but lost the war, because the new contracts the publishers issued to protect themselves and get those online rights were so restrictive. And a lot of the new contracts were what we call “contracts of adhesion”—take it or leave it, without room for the writers to negotiate better deals for themselves. It’s a tough problem. As a musician, I know plenty of instances of compositions or recordings I’ve made that have been used without my approval or recompense, and after a big fight I might get paid, but not much, so you have wonder if it’s worth it. And I’ve also signed ridiculous contracts, with clauses in them that I would typically caution a client against, because that seems to be the only way to get the work out, and I want to get my work out.

There is a school of thought that copyright is too restrictive, denying the public easy access to content it could really benefit from. Some argue that the public benefit from easy access to creative works outweighs the constitutional policy of providing creators with incentives to continue being productive. But I think the idea of created works being distributed without charge on the Internet—that content should be free—is scary for most people who create copyrightable works.

**HM:** What are the basic assumptions in copyright law?

**JK:** Well, the copyright act is really complicated, but copyright protection itself is constitutional. Copyright was written into the Constitution of the United States to encourage the creation of copyrightable works. Use of

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continued on next page | »

copyrighted works has to be measured against the loss of incentive to produce such works. From that point of view, a remedy for the infringement of copyright is often not worth the hassle.

**HM:** Some freelance writers thought they were going to get a cash payment due to the infringements they suffered that were addressed by *Tasini v. New York Times*, but the remedy agreement was dismissed by the Second Circuit Court of Appeals on a technicality. Do you think these writers will have any other possibilities of seeing restitution?

**JK:** The decision to throw out the remedy may be a drag, but it didn't overturn the ruling in the original case. When you create something now, you own it, unless it's a work-for-hire or you transfer the rights through a written contract. To bring a claim of infringement in a federal court, you need to have copyright registration—and that was the problem that decision was based on, that many of the claimants didn't have the registration their works needed in order to get into court in the first place. But you can register your copyright of your work at any time—and if you want to sue someone on a copyright infringement, you can do it anytime as long as it hasn't been so long, like 100 years, that the work has entered the public domain.

I send cease-and-desist letters to infringers frequently for those who don't have their copyrights registered. There's also another remedy for those concerned that their works are being infringed on the Internet, something called the DMCA—Digital Millennium Copyright Act—which was put in place to protect against online piracy while still giving Internet Service Providers certain immunities from liability. Under the DMCA, a writer or composer can send a form of cease-and-desist letter—known as a “notice and takedown” letter—to the ISP of an offending website, and if the alleged infringement isn't removed within a stated period of time, the ISP loses some immunity, so they have an interest in getting the

websites to comply. There are instructions online about how to send these letters. You don't have to be a lawyer to send them.

**HM:** What's the bottom line for writers on copyright? Why don't the copyright laws seem to work in our favor?

**JK:** If someone infringes your patent, let's say, the financial stakes are usually high. For writers, that's less often the case. Is there a promise in our copyright laws that justice will be done, and that you'll be remunerated for all uses of your works? I don't think so. But I do think it's important to take a stance in support of copyright, because enforcing your copyright may deter some future unauthorized uses of your work. The most widespread copyright infringement today is online record piracy—downloads being the norm for music distribution now.

**HM:** Don't licensing organizations like ASCAP and BMI help musicians get paid for the use of their creative works, though? Would something like that work for writers?

**JK:** Don't be deceived into thinking that the licensing organizations work

so well for the music business. But writers may need a clearinghouse to oversee use of and payment for their writings. There are in fact clearinghouse institutions in place, but they have nothing like the reach of the large music performance societies. In addition to a clearinghouse, concerted action, as in the case of the *Tasini* class action, is another way to justify and finance enforcement against copyright infringements whose individual value wouldn't justify an individual lawsuit. But that's the problem—we're all busy, and these kinds of things take money, energy and time.

I can't offer an unguardedly optimistic vision for how this all plays out for jazz journalists, but I do think there is value in the public discussion of copyright and copyright infringements. These wrongs should be outed. Responsible publishers don't want to be perceived as rip-off artists. They don't want public perception to be that they're taking advantage of people. I don't think they want to alienate their writers, either. Those are the publishers you want to work with.

■ ■ ■



ABOVE: Lisen Rylander of Swedish group Midaircondo at Scandinavia House, New York. Photograph by Larry Appelbaum.

# JAZZ FOR A NEW GENERATION



LEFT: 16-year-old saxophonist/vocalist Grace Kelly performs at Chan's in Woonsocket, Rhode Island. Photograph by Michael Kurgansky.

RIGHT: 22-year-old Christian Scott at the Cape May Jazz Festival, April 2008. Photograph by Jim Eigo.

## My Face Plastered on Ginger Rogers: A-OK!

► By Jane Goldberg

**I**N JANUARY 2008 I attended a “fair use” panel at New York’s Library for the Performing Arts, sponsored by the Dance Heritage Coalition. I was curious about photograph rights for my recently finished book, *Shoot Me While I’m Happy: Memories from the Tap Goddess of the Lower East Side*, with foreword by the late Gregory Hines. My publisher is Woodshed Productions—that is, me.

The panel was an eye-opener. It focused on freeing us creative types, particularly documentary filmmakers, who have been inhibited by the rights issue. I felt liberated when I left the library.

One speaker, David Van Taylor, had made “Dream Deceivers,” a movie about two brothers who entered a suicide pact, supposedly inspired by a Judas Priest song. The family sued the rock band. One of the sons succeeded in killing himself; the other is now badly disfigured. Van Taylor was able to complete his film years later, since under fair use he was able to prove a “transformative” factor:

He wasn’t using a Judas Priest track per se, but only demonstrating how Judas Priest had affected the course of these proceedings. The result was a new use of the music, for purposes of commentary.

The key word in fair use is “transformative.” My question for the panel was whether I could use a photo of my face plastered on an image of Ginger Rogers dancing with Fred Astaire in a Hollywood studio shot. I’d had the picture hanging on my walls for inspiration, and 30 years later I wanted it for the book. I learned that because I’m writing about how Fred and Ginger influenced me, and not writing strictly about them, it is OK to use that image, which is “transformative” and tongue-in-cheek.

Peter Jaszi, a lawyer on the panel, told me afterward that because my Fred-Ginger-and-Jane request was for print (and hence probably not a big money-maker) I would have no problems. It turns out that Jaszi went to college in Boston during the same time I did. He’d opened up the suc-

cessful but now defunct Orson Welles Cinema in Cambridge, Massachusetts, one of the first independent movie houses of its time over 35 years ago.

A further example: My layout designer found a photo of Twyla Tharp on the Internet and put it in the book. This is done all the time: using Internet images without asking. I might have cried fair use, but in this case I was actually describing Twyla Tharp’s dancing in a more analytical way, so I decided not to use the photo. I’d heard Tharp was very particular about how her image is used. Since I had so many other pictures, I didn’t pursue going to her foundation or buying one from the Library for Performing Arts, which has such a service.

Getting rights is a full-time job, especially for self-publishers. The photographers I’ve been calling solid for the last three months were all very appreciative of my asking.

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# Book Reviews

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## Jazz Connections in Romania

By Virgil Mihaiu

*Institutul Cultural Român, Bucharest, Romania, 2007;*  
198 pp.; €7.50 paperback

► Review by Bert Vuijsje

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**J**AZZ'S FATE UNDER the totalitarian European regimes of the 20th century is a story full of dramatic events and intriguing paradoxes. S. Frederick Starr's *Red & Hot* (1983) and Michael H. Kater's *Different Drummers* (1992) are the indispensable books on jazz in the Soviet Union and Nazi Germany, respectively. Virgil Mihaiu, the Romanian jazz authority and poet (and JJA member), has now written the history of jazz in his country, and it is a welcome addition to the literature on this fascinating subject.

In his opening chapter Mihaiu immediately asserts the significance of jazz for people under totalitarian oppression: "Realising that their freedom can be at stake at any time makes people more sensitive to artistic beauty. Under such pressure, jazz's original entertaining function lost its preponderance, and this musical concept metamorphosed into a sound metaphor for liberty."

The situation of jazz in dictatorial states has rarely been clear-cut; there were always conflicting tendencies and fluctuations in the attitudes of the regimes. In Romania the conditions were largely similar to those in most other communist countries. Jazz was "more or less tolerated, as some sort of an underground safety-valve, nevertheless able to generate conclusive musical values," Mihaiu tells us.

Still, there were specific developments that set Romania apart. First, in 1964, Romania declared itself independent from the party lines of both Moscow and Beijing. "An atmosphere of social hope and cultural effervescence replaced the terror that had accompanied the previous two decades." Unfortunately, this Romanian spring ended harshly in 1971, when the "Balkan führer" Ceausescu decided to follow the footsteps of North Korean dictator Kim Il Sung. Stalinism was reactivated, the country was "plunged into a primitive, anti-intellectual, xenophobic, reactionary utopianism," and "communication between Romanians and foreigners was simply outlawed!"

It is a tribute to the force of jazz that even under these brutal conditions, the music survived. Partly thanks to the decentralized system of jazz clubs, mostly functioning under the official umbrella of the "Houses of Culture" or "Houses of the Youth and Students," jazz continued to be performed and studied. There were even quaint oases of liberty, like the nudist beaches near the village of Costinesti on the Black Sea, where "the country's freakish intelligentsia" gathered and listened to its own uncensored Radio Vacanta. "Need-

less to say that such a combination of sea, blue sky, beach, nudity, intelligence, leisure, jazz and love had an irresistible appeal," Mihaiu, who is 56, remembers with obvious nostalgia.

After Ceausescu's fall in December 1989, the situation changed drastically. On the one hand, the sudden freedom allowed everybody to pursue personal ambitions. Mihaiu himself was finally able "to act on a broad international scale.... I entered a frantic phase of making up for the wasted decades." Many Romanian jazz musicians did likewise, and sought "greener pastures outside of the country." This led to "an unpleasant new reality... the Romanian scene had shrunk to the minimum," Mihaiu writes. Another regrettable aspect of post-communist society is that "ideological censorship has been replaced by financial censorship."

*Jazz Connections in Romania* is more than a political history of the music. Mihaiu also offers a survey of the many Romanian jazz musicians and groups, past and present, he considers significant. In addition, he gives a broader perspective on jazz and jazz-related music in the whole region, with links to seldom mentioned areas such as Moldova, Georgia, Azerbaijan, Croatia and Lithuania. In that sense, his book can be considered a useful supplement to Stuart Nicholson's *Is Jazz Dead? (Or Has It Moved To A New Address)* (Routledge, 2005), which, according to Mihaiu, puts too much stress on "examples from Europe's northern regions."

I only wish this book had described in more detail the Romanian jazz of the '20s and '30s (the final decades of the kingdom), and particularly the Second World War, when General Ion Antonescu's dictatorial regime collaborated with Nazi Germany. Mihaiu is silent on this tragic period, but he probably faced a handicap being born in 1951. "The amount of extant documents concerning jazz remains dishearteningly scant," he writes. The book, therefore, "is the work of one man, reflects his passion for the subject, tries to avoid excessive subjectiveness, but in no way does it claim any encyclopaedic character."

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For ordering information, contact the author at [virgilmihaiu@hotmail.com](mailto:virgilmihaiu@hotmail.com)



ABOVE: Jay McShann. Photograph by Kenneth K. Martinez Burgmaier.

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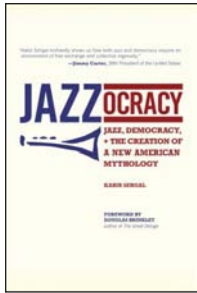
## Jazzocracy: Jazz, Democracy, and the Creation of a New American Mythology

By Kabir Sehgal

Better World Books, Mishawaka, Indiana, 2008;  
197 pp.; \$21.95 hardcover

► Review by Eugene Marlow

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IN A LATER chapter of *Jazzocracy*, Kabir Sehgal writes: “It is illuminating that those who were the most oppressed in America [blacks] have created the most democratic of arts.” This simple statement is fraught with layers of meaning in a book that delves comprehensively into the metaphor of jazz as democracy.

*Jazzocracy* gives an initial impression of a young first-time author who wants to tell you everything he or she ever learned about a subject, like many top students who have yet to integrate and organize their knowledge. By the end of the book, however, you realize you have just read something brilliant, articulate, insightful and important.

In part, *Jazzocracy* shines because of its compactness. With a narrative only 171 pages long, it consists of 650 endnotes drawn from 237 sources. Sehgal’s work succeeds at melding the disparate subjects implied by jazz and democracy, yet the book is more than this. It’s an amalgam of American and world history, politics, race relations, music genre analysis, globalism and technology issues, among other subjects. Sehgal notes that the work is “a medley of ideas inspired from literature, political science, music, and mythology.” Relating various disciplines in one volume is an arduous task, and Sehgal does it in a crisp, erudite way.

No wonder, for Sehgal is eclectic. He is a jazz bassist, political consultant and entrepreneur with degrees from Dartmouth College and the London School of Economics. While a high school student he won the National Outstanding Soloist Award and was invited to join Wynton Marsalis to tour during the summer of 2004. During that same summer, Sehgal served as a special assistant to Senator Max Cleland on John Kerry’s presidential campaign. *Jazzocracy* first took form in the summer of 2005 when Sehgal served as a Visiting Fellow at the Roosevelt Center at Tulane University. He currently works at JP Morgan and lives in San Francisco.

His purpose in *Jazzocracy* is equally broad. The book sets out to accomplish two things: (1) to elaborate on the jazz-as-democracy metaphor; and (2) to propose a series of myths than can help re-center American music back to purpose. He explains that the parallel between jazz and democracy works for two reasons: “First, jazz is music of negotiation, conversation, reconciliation, and making.... The second reason ... is because of the invitational spirit of jazz.”

While the author traces jazz’s roots to Africa and devotes an entire chapter to “The International (Sonic) Bomb”—a description of the audience for jazz in the former Soviet Union, Hitler’s Germany, and France (there are other allusions to the spread of jazz globally)—it is ironic that much of Sehgal’s own editorial “bombs” are aimed at the current state of American popular music, particularly hip-hop.

For example, early on he says: “When jazz was the music of popular entertainment, it reflected the jam session character of America, as millions immigrated to America in search of opportunity. What does popular music say of America today? Popular rap music often rewards the most brutal and demoralizing voice.” Further, “Many rap lyrics brutally describe degenerative life and destroy any semblance of hope.” Later he writes, “Much of popular music is a return to conservative music making: two or three chord changes with rehearsed refrains and scripted lines. Isn’t it the height of predictability (and cliché) to know what the guitarist or rapper will burp next? The democratic habits of the American mind are not reflected in today’s popular American music.” He adds: “The music of the rap rhythm is largely repetitive, monotonous, and predictable.”

Comparing jazz and rap, Sehgal observes: “The peaceful transfer of power or spotlight is echoed in the jazz tune. The pervasiveness of popular rap music, from coast to crib, speaks to our collective acceptance of an oral tradition that does not reflect American infrastructural beliefs. In the name of entertainment, Americans accept a vulgarization of America’s oral tradition.” Later he writes: “International MTV transmits semi-pornographic imagery, a dubious distinction. Our exported art evokes the rusted melting pot.”

Technology isn’t let off the hook here either. “The mass production of music ensures that most will listen to the same music instead of discovering and creating art for themselves.... To jump from repetition to composition requires a cultural awakening to possibility.” And: “The DJ and his beat machine supplanted the virtuosity of the instrumentalist. Computer technology is integral not only to mixing of music but the entire production of certain modern compositions.... The new instrument has become the computer.” Sehgal also observes, “To think linearly about art is problematic because art is not progression. Art is not technology.... newness has been confused with hipness.”

This is a mere taste of what Sehgal has managed to encompass. *Jazzocracy* is not just a book about the sorry commercial state of jazz in today’s America, it is also a reflection on the sorry state of America’s political and economic values and ethics, touching on the country’s status at home and abroad. Fittingly, Sehgal finishes his work with a discussion of the response to Katrina and the plight of New Orleans, the birthplace of jazz in America. We see a country’s government turning its back not only on the city’s historical significance, but also on its current residents, many of them black. In ef-

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continued on next page | >>

fect, Sehgal asks: How democratic is America today? Clearly, if jazz represents the quintessence of democracy in (at least) American society, and if rap represents (paradoxically) a homogenization of the American mind and a loss of unique individual creativity against the background of community, then where are we?

It is clear the present administration has made every effort to keep the White House a closed shop. It attempted to visually sanitize the Iraq war. It initially pretended that the country's current economic condition is a "slowdown" rather than a recession (recently announced statistics to the contrary notwithstanding).

On that, read John Dean's *Worse Than Watergate*. But read Sehgal's *Jazzocracy* first. While it imparts a more idealistic closing note, it gives one pause from a jazz point of view with respect to the health of America's democratic pulse. Sehgal implies it is not the world beyond our borders we need to concern ourselves with—after all, 60 percent of the world's countries are now democratic, a vast improvement in the last 50 years. Rather, it's our own condition here at home.



ABOVE: Alex Blake. Photograph by Norm Harris.

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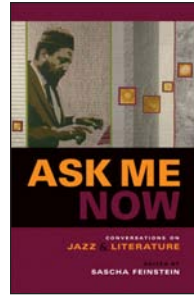
## Ask Me Now: Conversations on Jazz and Literature

Sascha Feinstein, ed.

Indiana University Press, Bloomington, IN, 2007;  
452 pp.; \$21.95 paperback

» Review by Reuben Jackson

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MUCH HAS BEEN said about the links between jazz and literature, but even the most well-meaning compilations seem to fall short of documenting the vast range of writing inspired by, or about, the music. Until now, that is. *Ask Me Now* is a collection of 20 interviews conducted by Sascha Feinstein with poets and musicians as varied as Amiri Baraka, Bill Crow and Lee Meitzen Grue. Each interview, originally published in the journal *Brilliant Corners* (also edited by Feinstein), is as consistently interesting, informative and provocative as, say, a concert in which Ruby Braff, Archie Shepp and Jane Ira Bloom perform.

Yes, we are treated to examples of each writer's work, but equally riveting are the interviews themselves. Feinstein's questions are the equivalent of a pianist feeding a soloist sumptuous and challenging chords. As a result, each interviewee steps up his or her game—providing the reader with rich, expansive and ruminative variations on their development. It's wonderful if you are familiar with the writers and musicians included, but the truth is that it doesn't matter.

Poems such as Lee Meitzen Grue's "In The Garden" and Philip Levine's "The Wrong Turn," the excerpt from Cornelius Eady's play "Running Man" and the 2005 interview with pianist Fred Hersch pull you in like a Clifford Brown trumpet solo. These aren't staid, defensive and self-righteous museum pieces concerning (ahem) "America's Classical Music." They dance, sing, drum and describe, and are as delightful and troubling as life itself.

The interview with Hersch, in which he discusses his work with the poetry of Walt Whitman and the still thorny (yet seldom discussed) relationship between black and white musicians, is one of the book's highlights, and there are many.

If you can't find something to love (or even fervently take issue with) in the pages of this collection, there is, as a DC-area DJ of my youth was fond of saying, "Something wrong witcha."

The lives and works documented in *Ask Me Now* prove that, like jazz, poetry is far from moribund. It remains an art form in which, as Thelonious Monk once said, "everything is happening all the time."



# News of Members

**DAVID R. ADLER** wrote a front-page Magazine feature on saxophonist/flutist Elliott Levin for *The Philadelphia Inquirer* of April 16. He also wrote liner notes for trombonist Marhsall Gilkes's sophomore release, *Late Arrival* (Alternate Side Records).

**LARRY BLUMENFELD'S** "Band on the Run in New Orleans," about a culture war centered around jazz funerals in the Tremé neighborhood, was selected for the 2008 edition of Da Capo's *Best Music Writing* series.

**YVONNE ERVIN** received an award from the Tucson Jazz Society for her "remarkable innovation, tireless dedication and inspired contributions to the art of jazz." The award was presented on March 29 at the 28th anniversary of Primavera, the world's longest-running women's jazz festival, which Yvonne started. Also recognized was headliner Diane Schuur, who began her musical career in Tucson in the late 1970s.

**JANE GOLDBERG'S** new book, *Shoot Me While I'm Happy: Memories from the Tap Goddess of the Lower East Side* (Woodshed Productions), with foreword by the late Gregory Hines, hit stores at the beginning of June. Visit [janegoldberg.org](http://janegoldberg.org) for more information.

**JAMES HALE** wrote the liner notes for Baltimore-based pianist Nobu Stowe's second release on the Soul Note label — a live album recorded at Baltimore's An Die Musik with tabla player Badal Roy and drummer Alan Munshower. James also worked with the Ottawa International Jazz Festival to program three

panel discussions and workshops co-sponsored by the JJA, featuring fellow board members Howard Mandel and Reuben Jackson.

**PATRICK HINELY** exhibited more than 50 of his photographs included in Jazzprezzo's 2008 Jazz Calendary at Sotheby's in Beverly Hills in April. He continues to write and photograph for *Coda*, and his recent recording session shoots include Lee Konitz with Trio Minsarah (in Brooklyn, for Enja) and Michael Mantler, with such company as Roswell Rudd and Nick Mason (in Berlin and New Jersey for ECM).

**THOMAS JACOBSEN'S** feature on German clarinetist/saxophonist Matthias Seuffert appeared in the April (online) issue of *The Mississippi Rag*.

**SKOOT LARSON'S** new "zen-jazz" mystery, *The Real Gone, Horn Gone Blues*, a fictionalized historic novel based on Art Pepper, was recently published by Author House. This is the sequel to Skoot's *The No News is Bad News Blues*. Sample chapters are available at [skootsjazz.com](http://skootsjazz.com).

**ARNOLD JAY SMITH'S** column *The OctoJAZZarians*© has been a feature on Ted Gioia's [jazz.com](http://jazz.com). The subject matter is active jazz musicians and/or facilitators who have reached or passed their eighth decade. The interviewees, giving forth information not available in your family mags, have included Dr. Billy Taylor, Clark Terry, Chico Hamilton, Randy Weston and Marian McPartland, with appreciations of Lawrence Lucie and the late Benny Carter on their

centennials, as well as Teo Macero and Earl May. Many more will follow.

**RON SWEETMAN** was one of the three main speakers (along with Steve LaVere and Dan Morgenstern) at the 37th annual Canadian Collectors' Congress held in Toronto April 25-27. Ron's presentation was "Voltaire 'Volly' De Faut: The First Chicagoan Clarinetist." Ron surveyed the recording career of this Chicago pioneer from his recording debut with the Bucktown Five for Gennett in February 1924, to his final session with Art Hodes for Delmark in April 1972.

**JOHN R. TUMPAK'S** article "American Participation In The Golden Age Of British Dance Bands" was published in two parts in the February and April 2008 editions of *L.A. Jazz Scene*. John also appeared on Horace Heidt, Jr.'s "America Swings" radio show on February 16 and 23 discussing the careers of Tommy and Jimmy Dorsey. On May 17 John made a presentation, "A Tribute To Harry James," at the Brand Library and Art Center in Glendale, California.

## New Members 19-2

**JANICE GREENBERG**, who is currently writing *Jazz Books in the 1990s: An Annotated Bibliography*, lives in Aberdeen, New Jersey.

**KALAMU YA SALAAM** is a writer and educator based in New Orleans.



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# LITCHFIELD JAZZ FESTIVAL



Photographs from the 12th annual Litchfield Jazz Festival, Goshen, Connecticut, August 3-5, 2007.

**ABOVE, L-R:** Wayne Escoffery, Karrin Allyson; photographs by Antonio Monteiro. Carla Bley photograph by Steven Sussman.

**LEFT:** Slide Hampton. Photograph by Steven Sussman.



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