

Allegro

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LOCAL **802** AFM

ASSOCIATED
MUSICIANS
OF GREATER
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PHOTO: WALTER KARLING

A NEW DEAL ON BROADWAY

Above, Local 802 member Kathy Sommer casts her ballot.
Musicians overwhelmingly approved the new agreement. Story on page 11.

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Musicians at the Stamford Symphony have been working without a contract since last September. Above, musicians and Local 802 officials passed out informational flyers before a recent concert. From left: Local 802 Financial Vice President Jay Blumenthal with musicians Don Batchelder, Judy Sugarman, Maureen Hynes and Lisa Tipton.

Showdown in Stamford

IT'S TIME FOR justice in Stamford. As members know, Local 802 recently expanded its jurisdiction to include Stamford, Conn., and its surrounding areas. But even before that, we were on the front line of a struggle with the management of the Stamford Symphony, whose musicians we represent.

The Stamford Symphony, unlike that of many performing arts ensembles in this economy, remains in a strong position financially. However, despite several major concessions offered by Local 802 – including a pay freeze – management's unreasonable demands have resulted in the orchestra working without a contract since Sept. 1, 2010.

The Stamford musicians fully respect the institution's need for fiscal responsibility, but even though they have offered to accept a one-year pay freeze and modest increases over the next two

years, management is insisting on slashing compensation below current scale for one year and offering a performance rate of a mere one dollar above the current rate in the third and fourth contract years. This amounts to an increase of less than one half of 1 percent. The latest management proposals for rehearsal rates are also frozen for four years at a rate below musicians' current rehearsal rates. All of this results in increases that do not even come close to keeping up with the cost of living.

Equal pay for equal work

The major stumbling block has been the two-tiered payment system insisted upon by management that would slash the wages of the freelance musicians who frequently substitute for regular members. The lower wages – a cut of 23 percent from the full rate – represent a

Stamford Symphony musicians ask for fair pay, no two-tier system

devastating attack on freelancers; its acceptance will set a dangerous precedent for the entire field, creating a race to the bottom among orchestras that use freelance players. This inevitably will affect the livelihoods of all musicians, including the SSO's rostered players, who rely on freelance work to supplement the small salary they receive from SSO. Under management's proposal it will not be possible to sustain the quality of musicianship that audiences have come to expect from the Stamford Symphony Orchestra.

"This is a basic question of equal pay for equal work," said longtime principal trumpeter Don Batchelder, who is also principal trumpeter of the New York City Opera Orchestra. "This is a fantastic orchestra, and all of us play as subs in lots of other ensembles. We all rely on a level playing field in terms of pay, wherever we work. Take that away, and you take away our ability to make a living."

"Stamford Symphony CEO Barbara Soroca seems oblivious to the fact that the proposed two-tiered structure will

irreparably harm this institution," said Jay Blumenthal, Financial Vice President. "In fact, all of the members of the Stamford Symphony Orchestra earn a significant part of their livings substituting for musicians in other orchestras. If this sort of caste system proliferates, it will undermine the entire classical freelance community of musicians, making it impossible for even the most skilled musicians to support their families by performing as freelance musicians and forcing many to leave the profession."

Musicians make good faith efforts

Musicians have been active partners in efforts to build an audience and contribute to the community, giving their expertise and time, mentoring local schoolchildren and playing a major role in planning last year's benefit concert for Haiti that raised \$25,000 and spread goodwill in the Stamford community.

But instead of considering the musicians' constructive suggestions, management continues to push them to the

breaking point. Most recently, in pursuit of marginal savings, management enforced a plan to consolidate rehearsals, mandating a rehearsal directly prior to each Saturday performance, which prevents many of them from teaching the Saturday afternoon music lessons that constitute a substantial part of their income.

Stamford management has also proposed building a larger audience by adding concerts outside Stamford that would be compensated at only 38 percent of the musicians' current performance wage. While musicians are committed to being partners in the SSO's marketing efforts, slashing their pay for these concerts severely impacts their ability to support their families.


"Would a trained professional in any other field agree to work for only 38 percent of their pay rate?" asks violinist Susan Lorentsen, "Who would? As an example, after paying for a babysitter and transportation, I would actually be losing money. I love playing in this orchestra, but how is

this fair or sustainable?"

"Musicians can be paid fairly without impairing the orchestra's mission to expand and grow," said Blumenthal, "We are hopeful that this issue can be equitably resolved before the end of the Orchestra's season in April."



From left, concert rep Karen Fisher and most of the Stamford Symphony orchestra committee: Peter Weitzner, Laura Bald, Don Batchelder, Susan Lorentsen and Lisa Tipon. Lois Martin also serves on the committee but was not pictured.




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Broadway at its best

The League and 802 reach a mutually beneficial agreement

MARCH WAS A very busy month. First of all, as you can see by our cover story, musicians have overwhelmingly ratified the new Broadway agreement. Thanks to the preparedness of the Broadway Theatre Committee and its negotiating team, we had a clear understanding of what our priorities were, going into these talks. The details of the agreement can be found in the story on page 11, but I just want to say how proud and happy I am that we were able to come to an agreement so quickly and with so little rancor. Congratulations to our Broadway musicians and congratulations to all of us.

Unfortunately, now I must turn to a situation that really is a battle. By the time you read this, unless there is a settlement, musicians in the Detroit Symphony Orchestra will have been on strike for almost six months, which is beyond belief and may unfortunately put the orchestra as an entity at a critical juncture. Musicians have offered to go back to work and submit to binding arbitration; management has refused. In the meantime, some members of



PRESIDENT'S REPORT

TINO GAGLIARDI

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the DSO have been forced to leave the orchestra and accept work with other orchestras.

I know I don't have to explain why members of Local 802 should care about what happens to the Detroit musicians. Firstly, they are our brother and sister members from AFM Local 5 and we are, after all, a union town.

Secondly, what happens in Detroit will have an effect throughout the country. We must remain in support and in solidarity with our Detroit colleagues.

To that end, I would like to encourage members to contribute to the Detroit musicians in two different ways.

First, visit www.DetroitSymphonyMusicians.org and click on the link on the left-hand sidebar that says "Support us." Then select "Donate," and please give whatever you can afford.

Secondly, the DSO is asking musicians to wear special blue wristbands to signify their solidarity. To get a wristband, go to www.SaveOurSymphony.info and click on the picture on the right-hand side of the fist raised with the blue wristband. A wristband costs \$5.

Fighting union busting in Wisconsin

In addition to Detroit, there is other distressing news coming from the Midwest. As many members know, Wisconsin governor Scott Walker signed into law a very contentious and wrong-headed bill that would deny public workers – including schoolteachers – the right to bargain collectively over many aspects of their job. It would also require their union to hold a vote every year to determine if teachers still wanted representation. I am dismayed that this kind of union busting is happening in 2011.

You'll see a few columns about this situation in this month's *Allegro*, which raises the question once again: when should Local 802 get involved in outside politics? The truth is that this is always a balancing act.

On the one hand, if we get too involved in outside issues, we get complaints that we are losing our focus. Our current position is that the union will endorse candidates and get involved in outside issues when they affect our members.

There is a lot of leeway in this stance and sometimes it's necessary to open up our scope a little bit wider when outside issues are pressing.

For instance, it's pretty clear to us that fighting the union busting in Wisconsin, Ohio and elsewhere is important not only in the name of labor solidarity but also because one day it might be us under attack and we'll need the sup-

port of others. That's why the Executive Board unanimously passed a motion in support of the union workers in these fights. For the latest in Wisconsin, one great source is the Facebook page of **Jobs With Justice**; search for it.

Other issues are a little closer to home. We are sending our Political and Public Relations Director Paul Molloy to Arts Advocacy Day in Washington, D.C. on April 3 and 4. This is when arts advocates – including the AFM – lobby for greater arts funding and awareness. This is clearly something we want to support. The current financial crisis in the U.S. – call it a recession, depression or even a recession-in-recovery – has caused some members of Congress to want to eliminate all funding for public broadcasting and the NEA. This rash act would hurt our members, plain and simple. Musicians are hired by PBS and NPR. Grants from the NEA trickle down to dozens of employment opportunities to our members.

Another piece of politics closer to home involves New York State Senate bill 1087, which would provide lower electricity rates to Broadway and Off Broadway theatres. Even though this would primarily benefit the theatre owners, we feel it would ultimately benefit musicians as well. Lowering the overhead for theatre owners gains us leverage at the bargaining table and it is a sign of good will from our union. The Local 802 Executive Board unanimously endorsed this bill.

Stamford Symphony

In an effort to make public the onerous proposals from management, the musicians of the Stamford Symphony Orchestra leafleted recent performances at the Palace Theatre in Stamford. The SSO, unlike many other performing arts ensembles, remains in a strong position financially. Unfortunately, even after musicians have agreed to concessions, including a one-year pay freeze,



Local 802 leadership met recently with Jazz at Lincoln Center musicians and longtime union members Joe Temperley, Victor Goines and Ted Nash to discuss upcoming contract talks.

management continues with unreasonable demands that have resulted in the orchestra working without a contract since September of 2010.

In addition to their unwillingness to compensate the orchestra fairly, management has also demanded that the musicians accept a two tiered rate of pay. Essentially they are demanding that any freelance musician that subs in the orchestra would now make 23 percent less than the regulars. This is unacceptable. One of Local 802's strongest tenets is the belief of equal pay for equal work. This is an unshakeable position and management needs to hear that message loud and clear. Local 802 hopes that these issues can be resolved before the SSO's season ends in this month.

Special Situations update

Local 802 was petitioned by the Broadway League for special situation status of the show "Baby it's You." The show centers around the discovery of the Shirelles by Florence Greenberg.

Local 802 granted this situation because, unlike "Priscilla, Queen of the Desert," it accurately represents a musical genre different from the more traditional musical. Additionally, there is no reinforcement, augmentation or emulation of acoustic instruments by electronic instruments. It was agreed that since the show maintains these artistic standards, it was deserving of special situation status.

Regarding "Priscilla, Queen of the Desert," we continue to fight the use of recorded tracks to accompany live musicians. The first step of determining special situation status did not go our way. The neutral panelist did not agree with the union's position that it wasn't artistically necessary for the show to go on with recordings of strings and additional horns, regardless of the fact that there are no strings in the pit. We are now going to a higher authority, final and binding arbitration, per the terms of the Broadway contract. Outside the contract, Local 802 will be fighting this blatant abuse of special situations. By the time this article is published, you will be aware of our campaign!

Solidarity with dancers at the NYC Ballet

In an exciting and unprecedented show of solidarity, dancers and musicians have come together at the New

York City Ballet. The goal is to improve compensation and working conditions in a way that would improve what the ballet puts on stage.

The union that represents the dancers is the American Guild of Musical Artists. In a joint statement, the negotiating committees of both unions said:

"Our members create the beauty of City Ballet's productions, and they are no longer willing to be treated as an afterthought or to be disrespected in their role as employees. The ballet's management is said to be involved in discussions about how to improve and restructure itself. But the dancers and the instrumentalists, who have more expertise in presenting beautiful dance and music, who are in much closer touch with what the ticket-buying public wants to see, and who are most directly impacted by management decisions, are frozen out of those discussions. That's unacceptable.

"To help the ballet with its fiscal problems, both unions agreed to wage freezes in each of the last two years, despite the fact that NYCB's fiscal problems are caused by poor administrative planning, grossly excessive non-talent expenditures, a development department out of touch with youth, and a publicity department that still thinks that newspaper advertising is the whole ballgame. But not again.

"Wage increases for the talent who put on the shows are long-overdue and another wage freeze is unacceptable. In addition, the artists represented by both unions need, and have proposed reasonable and responsible changes in, working conditions that will not only improve their professional lives, but improve the quality of the productions. Stonewalling and obfuscation by this management must stop. AGMA and Local 802 pledge to work together to assure that New York City Ballet's ticket buyers continue to experience the best in dance and music, presented by performing artists who are given the professional and financial recognition to which the majesty of their work entitles them."

The two negotiating committees will meet again soon and are in the process of planning joint undertakings to compel the ballet to address their respective members' needs in a more positive manner. Ballet management has yet to return to the bargaining table.



PHOTO: PAUL KOLNIK

The musicians of the New York City Ballet (pictured above in a 2009 photo) are joining up with the ballet's dancers to demand better pay and working conditions.

Union discipline

We may be reinstating our "unfair list" in Allegro soon. This will be a list of bandleaders and employers for whom union members should not work. If you are an employer who is not returning our calls and is not complying with your responsibilities, you should talk to us now.

As long as I'm talking about union discipline, this is another reminder that members who are in default on their work dues need to pay up immediately to avoid collection efforts. This also applies to musicians who are legally required to join the union but haven't done so yet. In order to have a strong and effective union, we all have to do our part. Thank you.

Welcome to Bob and Joe

Bob Pawlo recently passed his six-month probation period and joins the staff at Local 802 as a recording rep.

During a 35-year career as a woodwind player, Bob has played Broadway, performed in big bands and orchestras, worked on recordings, backed up headliners, and was a choir director and cantor with the Russian Orthodox Church. He also has extensive experience in political campaigns. Bob was chair of the West Milford (New Jersey) Democratic Party and its candidate for mayor in 2003. Bob tells us that his political hero is Senator Bernie Sanders of Ver-

mont and that it is an honor to work at Local 802 and a privilege to serve his brother and sister union members, in whose ranks he was a member for so many years.

We also welcome Joe Rodriguez as the new director of Local 802's computer department. Joe has been at Local 802 since January 2000 as a programmer and data analyst. He holds a Bachelor of Science degree in information systems from Pace University. Joe has been an efficient and hardworking staff member for many years and we are pleased to promote him. Congratulations, Joe.

Jazz appreciation month

Jazz is truly one of America's gifts to world music. Many Local 802 members are jazz musicians and jazz is a critical part of the history of both Local 802 and New York City. Congress has even declared jazz to be a national treasure. In 2002, the Smithsonian designated the month of April as Jazz Appreciation Month. This issue of Allegro features a photo spread of the Duke Ellington Legacy Band playing at Feinstein's cabaret room, which we recently got under contract.

Save the date!

Local 802 turns 90 on Aug. 27! We'll be having a gala celebration, which will also be a fundraiser for the union's Emergency Relief Fund. Save the date!



French hornists from the Detroit Symphony Orchestra perform on the picket line. Musicians have been on strike since Oct. 5, 2010.

PHOTO: HART HOLLMAN

A way out when talks collapse

LEGAL CORNER

HARVEY MARS,
ESQ.



Harvey Mars is counsel to Local 802. Legal questions from members are welcome. E-mail them to JurMars566@aol.com. Harvey Mars's previous articles in this series are archived at www.HarveyMarsAttorney.com. (Click on "Publications & Articles" from the top menu.) Nothing here or in previous articles should be construed as formal legal advice given in the context of an attorney-client relationship.

IS THERE A way out of the current impasse with the Detroit Symphony Orchestra? Yes! Musicians have agreed to submit to arbitration; management has so far refused.

But what is arbitration, and what are the Detroit musicians asking for?

Contractual arbitration (otherwise known as **rights arbitration**) is the kind of arbitration that most Local 802 members may be familiar with. It can involve interpreting a contract or determining whether or not discipline has been properly imposed upon an employee. This kind of arbitration applies when there is an enforceable collective bargaining agreement between the parties.

There is, however, another variety of arbitration that is hardly discussed in private sector labor relations. This form of arbitration is known as **interest arbitration**.

Most often found in public sector labor relations, interest arbitration

imposes arbitration on the collective bargaining process itself.

Interest arbitration is the process by which an arbitrator, *rather than the negotiating parties*, determines what the final contract will look like.

It takes collective bargaining out of the traditional power struggle of labor relations and places it in the hands of a neutral party.

Interest arbitration is a key component of the now-dormant Employee Free Choice Act. In that proposed legislation, if labor and management cannot reach an agreement within 120 days, both sides have to submit to interest arbitration.

WHY WOULD NEGOTIATING parties wish to engage in interest arbitration? After all, anyone who has arbitrated a labor matter knows the risks. Any decision rendered – good or bad – is not subject to legal challenge.

The stakes are high. An entire

agreement may be forced down the parties' throats. The arbitrator may create a contract that does not have any relation to either side's bargaining objectives. Furthermore, interest arbitration is not strategic for the party with greater bargaining strength and leverage.

So why is there any desire for interest arbitration? One wonders why the Detroit Symphony Orchestra musicians requested it.

The answer is simple.

Sometimes the only way to resolve a labor dispute is to take it out of the hands of the feuding parties. Compared to the alternative, interest arbitration may be preferable. This does seem to be the case in Detroit, where interest arbitration is better than the death struggle that labor and management are currently engaged in. I believe that if management truly wants to make a deal and salvage the orchestra, interest arbitration is an easy choice.

Furthermore, there are different styles of interest arbitration.

One is when the arbitrator looks at the last offers of both parties and imposes one of them. This form of interest arbitration is known as "baseball arbitration" because this is the method by which Major League Baseball players resolve salary disputes.

Another form of interest arbitration is where the arbitrator can pick and choose between labor and management proposals and fashion a compromise from both.

Finally, in its purest form, interest arbitration permits the arbitrator to totally ignore the parties' proposals and fashion an entirely new agreement.

Interest arbitration can be used selectively. This is key. For instance, with regard to the Detroit Symphony, there must be areas where the parties have already come to an agreement. For those matters, interest arbitration is unnecessary. Interest arbitration can be used to resolve only the matters which are sticking points. That's what the Detroit musicians have proposed.

IF BOTH SIDES are at an impasse, isn't it a good idea to have a third party make the decision in a reasoned way? That way the symphony can get back to doing what it is renowned for: producing incomparably beautiful music.



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MICHAEL DONOVAN



Michael Donovan is the director of organizing and supervisor of the union's single engagement department. If you're playing a job where you feel disrespected or know that you aren't being paid fairly, contact Michael at (212) 245-4802, ext. 141 or Mfdonovan@Local802afm.org. You can also call the Local 802 hotline anonymously at (212) 245-4802, ext. 260 to report a job or working situation.

WHAT IF THERE was a way that you could improve the life of musicians in your field and help out the union at the same time?

We are announcing immediate openings for union stewards. We need stewards in every orchestra, club date band, classical ensemble, recording session or music school. Wherever there is a gig, we need a steward.

We'll train you. Basically, the union steward is a communication conduit. You listen to your fellow musicians and tell us their concerns and needs. You pass these along to the union. Likewise, we'll give you info to share with your musicians.

But this job is not just about passing along messages. The union steward is, first and foremost, an educator. You have to believe in the union and its mission.

When issues need explaining, the

union steward will break them down for his or her fellow musicians. If musicians have questions about why the union is doing this or that, the steward will know the bottom line.

Why is this important? Without an informed membership, the union risks having its message lost. If you're a musician and the only information you get about Local 802 is through the mainstream media or through what your orchestra management tells you, then you've lost out. If you're a new member and don't know anything about the union and you've just joined us because you are required to, you won't be committed.

Stewards analyze the deeper reasons for why the union is taking the tack that it is. Basically, stewards make it possible for musicians to feel confident in the union.

The steward is a leader in the workplace. In all matters of union/management relations, an informed steward is the person the members should be able to turn to for answers. This requires the steward to be aware of the contract and the laws governing workers rights.

The steward is a defender of the union and of the members. With unions under unprecedented attack from many directions, the steward is faced with many challenges. Sometimes the members can't appreciate what the union has done for them, what it is doing now and what it can do in the future. Explaining the contract, benefits, rules and regulations of the workplace health and safety issues all fall within the scope of the steward's duties.

The steward is an organizer in the workplace. When a new player comes to an orchestra or when a sub is on the job, the steward should be there with information on the player's rights and duties. The steward should sign members up and make the union aware of any contractual problems arising from the introduction of new players. The steward will also be the point person for

organizing members to take part in rallies, leafleting, picketing, and solidarity actions. The strongest unions are those unions whose members are the most active.

The steward enforces the contract. There can't be enough said about making sure that the rights guaranteed by the collective bargaining agreement are applied fairly throughout the bargaining unit.

Stewards are a crucial link between musicians, Local 802 and management

The steward should be on the scene to assist the musician in any decision by management that may result in disciplinary action against a member.

Musicians, like other unionized workers, need a functioning, effective union. They need a leadership that knows the issues in the orchestra pits, the concert halls, hotels, ballrooms, the classrooms and everywhere Local 802 musicians perform. In order to become a stronger union we need member involvement.

With a steward system in place, the message of Local 802 will be transmitted to the members in an efficient and timely manner. It will allow the union to mobilize the membership, spread the message that needs to be circulated, and get the members involved on their own behalf and on the behalf of our brothers and sisters in other unions and the labor movement in general.

The steward system will give us more presence in the workplace, focus the union membership on real issues, and organize ourselves for the future challenges facing us. Unions are, after all, the members that make them up. No organization can survive if its members are indifferent to its survival. I know this is not the case with Local 802 but every union can do better and Local 802 can as well. Every place we have contracts we should have stewards.

In the course of my career in labor I have conducted many classes in steward training. In every sector and segment of the unionized workplace, the steward is the most important official of the union. Without the steward, the union has no eyes or ears in the workplace and the workers will not have the union where its presence is most needed – on the job.

The union steward's worth stems from the job he or she carries out on a daily basis. The steward may be the only contact with the union a member might ever have.

In summary, to borrow the Peace Corps' slogan, being a steward is the toughest job you'll ever love.

The Organizing and Field Services Department will be working on setting up a steward system where stewards will be trained in the ins and outs of the steward system, the labor laws, and all the aspects of being a steward. Please call me at (212) 245-4802, ext. 141 and volunteer for this most important position and help Local 802 become the strongest union in New York City! You will benefit, the officers will benefit and most of all the members will benefit.

Do you play for rehearsals or auditions? Want to improve your pay and benefits?

DO YOU PLAY for rehearsals or auditions, through a casting agent or otherwise? Local 802 is looking into developing scales and benefits for this field. Let's make this work union! With your help, we can. Please contact Mary Donovan at Mdonovan@Local802afm.org or (212) 245-4802, ext. 156.

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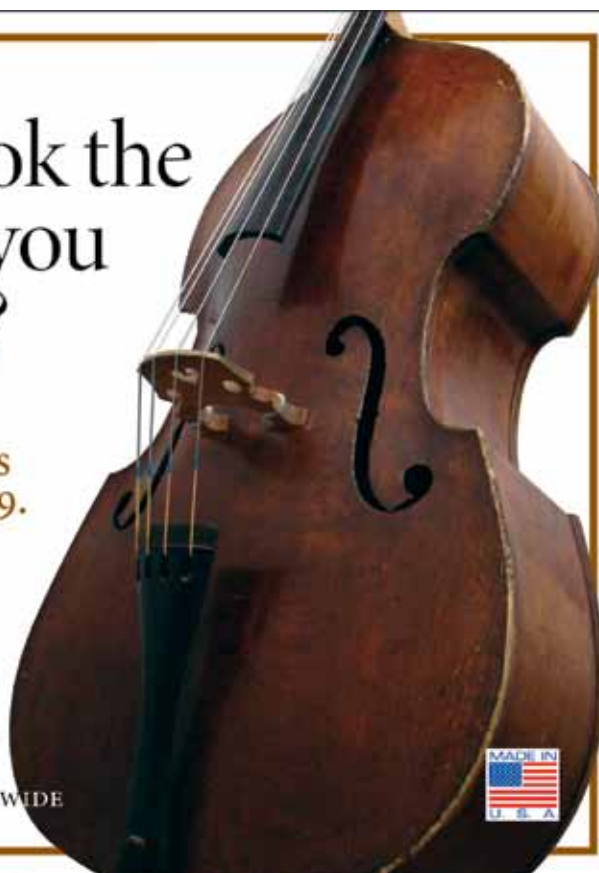


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Broadway musicians say yes to new contract

By BUD BURRIDGE

BROADWAY MUSICIANS HAVE a new contract. In mid-March, members of Local 802's largest bargaining unit overwhelmingly ratified a new memorandum of agreement with the Broadway Theatre League. The previous agreement had expired on March 6.

"It sounds like a fair agreement at this time and I appreciate the efforts of our union leaders and our negotiating committee," said keyboardist Kathy Sommer, who was recently associate conductor at "Beauty and the Beast."

The road to a contract started last May at a summit with all of the theatre delegates. The single most important issue conveyed by the membership was wage increases. This hardly comes as a surprise if one considers that Broadway musicians received just a 3.5 percent raise in 2008, the only wage increase since 2006.

In January, the wage issue was unexpectedly addressed in a proposal from the League before formal negotiations had even begun. The proposal followed informal discussions between the League and Local 802 President Tino Gagliardi. Had the proposal been rejected by the negotiating committee,

the two parties would have entered into traditional negotiations, with all elements of the current Broadway contract on the table.

On Jan. 25, the Broadway Theatre Negotiating Committee, in an unprecedented unanimous vote, accepted the terms of the agreement for ratification by the bargaining unit.

"It sounds like a fair agreement at this time and I appreciate the efforts of our union leaders and negotiating committee"

– Kathy Sommer

"While there were other issues that we were considering, we were unanimous in our decision to forego 'normal' negotiations and to recommend that the League proposal be brought to the membership for ratification," Theatre Committee Chair Walter Usiatynski told the Theatre Committee the following day.

When the Local 802 Executive Board likewise unanimously recommended ratification, the stage was set for Broadway musicians to vote on the agreement.

The five-year contract includes reasonable wage increases in each year, but – perhaps more importantly – current minimums will be locked in place until the agreement's expiration on March 6, 2016. All previous working conditions remain the same. Rates that are fixed are not subject to the wage increase.

"Accepting the economic package was certainly a no-brainer," said Mark Thrasher, the low woodwind doubler at "How to Succeed in Business."

Thrasher added, "For the moment, it's a great contract, but it leaves us with certain challenges in 2016."

President Gagliardi summed up the process: "This was a result of a collaborative effort between the 802 administration, the Broadway Theatre Committee and the Broadway League."

Gagliardi added, "Through our efforts we were able to reach the mutually beneficial stability desired by the league and an economic package that was sorely needed by Broadway musicians."

"Accepting the economic package was certainly a no-brainer"

– Mark Thrasher



Mark Thrasher casts his ballot

PHOTO: WALTER KARLING

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REQUIEM



Nancy Knopka



Steve Lipkins



Joe Morello

NANCY KNOPKA

DR. **NANCY JEAN** Cahen Knopka, 83, a bassoonist and contrabassoonist, died last Aug. 18, 2010. She had joined Local 802 in 1959.

Dr. Knopka trained with the National Orchestral Association from 1945 to 1951 under music director Leon Barzin and was the principal bassoonist for the Havana (Cuba) Philharmonic Orchestra from 1957 to 1958. In the 1980's, she played with the Brooklyn Heights Orchestra (now the Brooklyn Symphony Orchestra) and in recent years with several community bands on Long Island, including the North Shore Pops Band.

In addition to being a musician, Dr. Knopka taught Spanish language and literature for 30 years at Stern College for Women at Yeshiva University, and later at Rutgers University. She was a founding member of the Cervantes Society of America, which studies the work of Miguel Cervantes.

She is survived by her niece Judith Sokolow, nephews Jeffrey Sokolow and Jonathan Sokolow, four grandnieces and one grandnephew.

STEVE LIPKINS

STEVE **LIPKINS**, 93, a trumpeter and an 802 member since 1935, died on Jan. 29.

Mr. Lipkins played in the big bands of Tommy Dorsey, Jimmy Dorsey, Artie Shaw, Glenn Miller, Bunny Berigan and Will Bradley, including many recordings from the 1930's to the 60's. He recorded just one record date as a leader under the name "Stevie Layne and his Orchestra."

Mr. Lipkins was on staff at NBC in the early days of television and played Sid Caesar's Show of Shows, the Steve Allen Show and the Tonight Show with Jack Paar.

He played in the orchestra on many Broadway shows including "Kiss Me Kate," "Once Upon a Mattress" and "Fiorello." He also played club dates with Tony Bennett, Johnny Mathis and Perry Como.

In the 1970's, Steve pursued a different career as a master stone craftsman. But he always saw himself as a musician and cherished the memories he had gathered from over 30 years in the business.

He is survived by his wife Ruth and sons Jonathan and Robert.

JOE MORELLO

JOE **MORELLO**, 82, the jazz drummer, died on March 12. He had been a Local 802 member since 1953.

Raised in Springfield, Mass., with impaired vision from birth, Mr. Morello

initially studied the violin before becoming a drummer in his teen years.

He eventually made his way to New York City, where he played with many leading jazz musicians over the years, and first came to prominence for his work as part of pianist Marian McPartland's Hickory House Trio in the early '50s.

In 1956, Mr. Morello turned down offers to join the Benny Goodman and Tommy Dorsey bands to go on a tour with Dave Brubeck's quartet. He ended up staying with Brubeck for 12 years.

Mr. Morello was with the quartet on its 1958 State Department-sponsored tour that took the group to 14 countries, including Poland, India, Turkey, Afghanistan, Iran and Iraq. That tour inspired Brubeck to explore unusual time signatures on the 1959 album "Time Out," which became the first jazz album to sell more than 1 million copies.

After Brubeck disbanded the quartet in late 1967 to focus on composing extended orchestral and choral works, Mr. Morello turned to teaching and writing instructional books while making occasional guest solo appearances and performing with his own group in the New York area. His discography includes more than 120 albums.

Mr. Morello is survived by his wife Jean. *Obituary from the AP.*

HOWARD A. ROBERTS

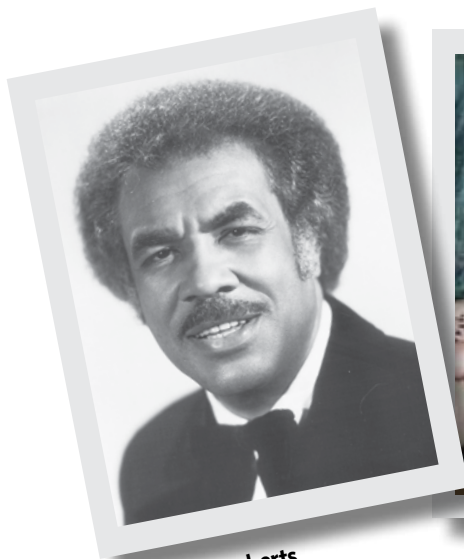
HOWARD **A. ROBERTS**, 86, a trumpet-er, conductor, composer, teacher, arranger, actor and singer, died on March 10. He had joined Local 802 in 1957.

Mr. Roberts's wide-ranging career of almost seven decades included concerts, theatre, recordings and television as a musical director, singer, instrumentalist and academic. Early performing experiences included playing trumpet in the bands of Lionel Hampton and Lucky Millinder, and as both trumpet player and musical director for Cab Calloway. He was musical director of the Alvin Ailey Dance Theatre and the Donald McKayle Dance companies and enjoyed a long collaboration as musical director for Harry Belafonte. As an actor and singer, he created the role of Robbins in the 1952 international company of "Porgy and Bess." He made history as the first African-American tenor soloist for the Robert Shaw Choral.

On Broadway, Mr. Roberts was musical director and conductor for the Tony Award-winning musical "Raisin" among many others.

He received a composers' grant from the National Endowment for the Artists for his cantata, "Long Remembrance," which was based on the reminiscences of former slaves and commissioned by Hampton Institute.

REQUIEM



Howard A. Roberts



Eleanor Schiller



Hy White

Mr. Roberts served as associate professor of music at Manhattan Community College and elsewhere.

He is survived by his daughter and son-in law Kim Roberts Hedgpeth and Gilbert W. Hedgpeth; son and daughter-in-law Brian and Karen Roberts; grandson Marcus Theodore; granddaughter Amanda Marie; and numerous nieces, nephews, cousins and friends.

The talents, accomplishments and awards of Howard Roberts are much too numerous to condense into this short space. For more information, e-mail Mr. Roberts's daughter Kim Roberts Hedgpeth at Kimadele528@aol.com.

ELEANOR SCHILLER

ELEANOR SCHILLER, 68, a violinist and an 802 member since 1963, died on Feb. 18.

Ms. Schiller graduated from Manhattan School of Music, where she earned master's degrees in violin performance and music education. She subsequently taught strings in the Teaneck (New Jersey) public schools for 21 years.

Ms. Schiller was an extremely active freelance musician who performed in many orchestras and chamber music groups including

the New York Gilbert and Sullivan Players, the Saint Cecilia Orchestra, the National Grand Opera and the American Symphony orchestra.

In addition to extensive private teaching in her home, she also taught at the Dwight Englewood School and Ridgewood Encore Music Studios.

Ms. Schiller and her husband, Allan, were the founding members of the Schiller Quartet. In addition to her husband, she is survived by her daughters Jacqueline Schiller Audi and Laura Schiller Davis, and grandchildren Benjamin, Ariella, Leora and Melanie.

HY WHITE

HY WHITE, 95, a guitarist and writer, died on Feb. 28. He had been a member of Local 802 since 1938.

His career took off when he joined Woody Herman's first orchestra, which became known as the "Band that Plays the Blues." Mr. White was featured on "River Bed Blues," one of many songs he wrote.

He later joined Les Brown's band and played behind Frank Sinatra, Bing Crosby and others.

Mr. White played in the orchestra of the Bob Smith Show and the Steve

Allen daytime show and ended up performing for 15 years in Ray Block's orchestra on the Ed Sullivan Show. He also played on the Gary Moore Show, Candid Camera and a few Jackie Gleason shows.

In the 1950's, Mr. White began a teaching career; Paul Simon, Carly Simon and Bobby Mann were some of his many students. He also wrote a series of very popular guitar method books.

Even after he retired in his 90's, Mr. White would perform in many retirement homes where he was often older than many in the audience.

Hy is survived by his sons Ken and Alan, their wives Ruchana and Angela, his grandchildren Nicole, Daniel, Erika, Evan and Andy and his great-granddaughter Brilynn.

WE ALSO REMEMBER . . .

Joe Aguanno, trumpet
Mimi Caputo, trumpet
Peter Cofield, piano
Bobby Hebb, guitar
John W. Marshall, saxophone
Minna Miller, violin
David Shapiro, bass
Bud H. Shiffman, saxophone
Jerry Solomon, piano
William E. Triglia, piano

TRIAL BOARD MINUTES

Monday, September 20, 2010

M EETING CALLED TO order 10:00 a.m. Present: Blanc, Cutler, Gorruso, Moye, Rubinstein, Shulman, Suttman, Willis.

802 President Gagliardi present to administer oath of office to Rubinstein and Suttman.

802 Rec. VP O'Connor present to advise on procedure and present Case #935: Ackerman vs. Neglia (N-01872) to the Trial Board.

Board elects Blanc as Trial Board Chair and Shulman as Trial Board Clerk.

Board conducted a Procedural Review of the details at hand and voted to try the case. Hearing scheduled for Tuesday, October 12, 2010. Board adjourned 11:30 a.m.

Tuesday, October 12, 2010

M EETING CALLED TO order at 10:00 a.m. by Chairperson Blanc. Present: Blanc, Cutler, Gorruso, Moye, Rubinstein, Shulman, Suttman, and Willis.

Case #935: Ackerman vs. Neglia (N-01872). Plaintiff and Plaintiff witness present. Defendant chose to not appear. Articles IV.1.gg (to commit any act tending to injure the reputation of a fellow member in relation to his/her calling as a musician) and IV.1.ii (to commit any act of bad faith or unfair dealing which has for its purpose the injuring of the Local or any of its officers or members, or the American Federation of Musicians, its locals or the officers and members thereof, respecting the affairs and welfare of the Local or the American Federation of Musicians or any of its affiliated locals, or respecting in general the welfare of the musical profession). Testimony presented by Plaintiff and witness; discussion held. Plaintiff and witness excused. Board deliberated and found Defendant guilty as charged in regard to IV.1.gg; charge in regard to IV.1.ii dismissed. Board to issue written reprimand to Defendant.

Board adjourned at 2:15 p.m.

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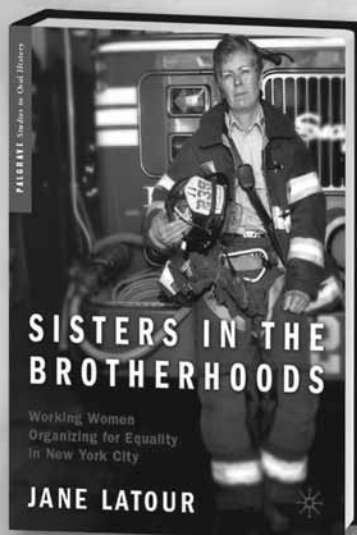
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WHAT WISCONSIN



RECORDING VICE PRESIDENT'S REPORT

JOHN O'CONNOR



Joconnor@Local802afm.org

IN THE FALL of 1973 I moved to Iowa City because it was the nearest place to my hometown to have a chance to ply my musical and performance skills in their local bar scene. I went to work for the University of Iowa as a public employee while I worked on my music career. If I had wanted to work in a higher-paying job I would have stayed in Waterloo, where the private sector manufacturing jobs had the best wages and union protections. If you worked in the public sector, it was quite well known that you were most likely going to be working for less money.

At that time public workers in Iowa did not have the right to collective bargaining. By the time I left Iowa in 1977, there had been a bill passed that gave public employees some watered-down rights to

collective bargaining, but the law made for fairly weak bargaining strength on the side of the workers and their unions. Public work was still the underpaid sister of the private sector. And, as is true in most public collective bargaining rules (including Wisconsin), workers do not have the power that private sector unions have.

By the late 70's and early 80's, something known as capital flight began to take on worrisome patterns. Those nice-paying private sector jobs in Waterloo (and elsewhere – think Big Steel and Auto) were disappearing because the capitalists were making decisions to have their products built in low-wage countries. It wasn't long before it became impossible to buy a completely U.S. made car and harder and harder to buy other U.S. made manufacturing goods, such as appliances and clothing. Private sector wages plummeted.

What this trend led to was the decimation of the foundation of American unionism: industrial, private sector jobs.

Now we have elected officials from the far right of the political spectrum trying to convince us that those who work in the public sector make too much money. And they are using that unfounded claim to go after public sector unions, a fact that anyone not living in a cave has been witnessing in Madison, Wisconsin.

We in Local 802 have every reason to

be concerned. We have been experiencing anti-union rhetoric from every direction for some time now, but now there seems to be a full on attack on organized labor's largest sector: government service.

I argued in a recent column why our union should be involved beyond Local 802's immediate scope, but Wisconsin is now making my argument for me. If we witness the crushing of public worker unions, there is no question that all unions will be (further) severely weakened. Local 802 has an undeniable stake in what happens in Wisconsin and anywhere else union rights are under attack.

WISCONSIN GOVERNOR SCOTT Walker may have won the battle for now, but he will lose the war. A recent major poll shows that most Americans are against weakening collective bargaining for public workers. Not only that, but some of those workers who have been singled out for attack are teachers, who are in a profession that is one of the most respected. Teachers have a tremendous amount of clout due to this fact. It's why they have one of the strongest unions.

That's something we need to bear in mind as union musicians. Musicians are likewise part of a very respected profession. And much of the clout we have lost over the years through erosion of our in-

dustry can be compensated for if we are smart about how we fight for our rights.

If you scratch the surface of anti-union sentiment, you will find misconceptions and stereotypes that don't hold water. Most people believe workers should be paid fairly. And in our industry, it's the same. Evidence also shows that most people want to see live musicians behind the source of the sounds they hear when they are being musically entertained. Bringing our message to the public in a cogent way will serve us in defending the loss of musical jobs in New York. Our interests and the public's interests are one and the same. An attack on musicians and their unions is an attack on the art of music. This is the message we need to continue to deliver in more and more effective ways. Local 802's public relations campaign is seeking to do just that, wherever we are striving to maintain and strengthen our rights in our work and art.

WHAT HAPPENS IN Wisconsin affects us all. We need to support the union struggle there among public workers just as we need to support symphonic musicians fighting union-busting in Detroit. A stronger labor movement makes Local 802 and union musicians stronger too. Solidarity is an essential ingredient to our mission, not just a slogan.

MEANS TO US



PHOTO: "JEN AND JOE" VIA FLICKR.COM

The straw that broke the camel's back

By **WALTER USIATYNSKI**
WallyU@Mac.com

THERE IS A battle raging in Wisconsin. It is between a newly-elected administration and the working class citizens of that state. Wisconsin governor Scott Walker has taken away collective bargaining rights for his state's public-sector unions. Why this concerns other unions, such as Local 802, is a question we need to be asking right now.

Walker has signed into law a bill that takes away public-sector unions' rights to negotiate for health and pension benefits, requires that contributions for those benefits be deducted from wages instead of contributed on top of wages, and requires a public referendum in order to negotiate for a wage increase higher than changes in the Consumer Price Index. The bill has ended the unions' right to collect dues through checkoff and allows members to opt out of paying union dues altogether. And it requires the unions to negotiate contracts every year and hold annual secret-ballot votes to retain union recognition.

This is not just an attack on Wisconsin's public-sector unions, but on all unions. By losing these rights in Wisconsin, we can be sure that the same tactics will be attempted everywhere. The result would be devastating. It would mean an immediate pay cut by the amount of the benefit contributions, very little negotiation for wage increases, and reduced revenue for the union since it would be forced to collect dues from members individually, with the prospect that some members, already facing financial hardship because of the economy and reduced wages, would put off paying them. And it will do nothing to help local and state budgets, as both the administration and the union will be expending much time and money into a logjam of constant negotiations.

Walker claims that he needed to do this to help the state budget. However, even after the unions came up with a financial package that met his concerns, he still persisted in destroying decades of labor law as well as much of the union's negotiated gains. His reasons are politi-

cal. Walker is trying to eliminate unions and thereby eliminate the power that they possess in supporting candidates that best address concerns for the working class: namely fair wages, job protection, job safety and worker well-being.

Yet this battle transcends the political. The tens of thousands who have assembled at the Wisconsin State House, as well as the hundreds of thousands who have demonstrated across the country, have shown that this is about a human element. There is no political rhetoric that can justify the damage that is done to Wisconsin's labor law. Unions are the one thing that stand between workers and a greedy employer. They negotiate on behalf of all of its members, regardless of the economics of the time or the difficulty of the situation. It may be the only protection some workers have.

This action has become the straw that has broken the camel's back. Wisconsin's working class is not standing for it and neither can we. We need to support our union brothers and sisters everywhere, so that we may all prosper.



Walter Usiatynski, chair of the Broadway Theatrical Association, with Marek (on shoulders) and Nikolai, at a recent rally

PHOTO: TARA MACISAAC/EPOCH TIMES

Feinstein's gig is the first steady jazz performance under a Local 802 contract

SWING TIME

By SHANE GASTEYER

Sgasteyer@Local802afm.org

FEINSTEIN'S AT LOEWS Regency has long been a destination for those seeking cabaret performances in an upscale setting. The club recently expanded its offerings to include a late night jazz series, with performances every Wednesday night. And the best news is that the gig is union!

In signing a letter of agreement with the club's management, Local 802 has thus secured the first steady jazz contract with a night club in recent memory. The performances will be covered by Local 802's hotel contract.

"I've never played a union jazz gig before," said drummer and bandleader Sherrie Maricle. "The fact that they have a contract is a big deal for all jazz musicians, and hopefully other jazz clubs will jump onboard." Maricle's band Five Play performed at Feinstein's on March 30.

"Jazz musicians deserve the same level of security and respect as musicians in the classical and theater worlds, and Local 802 is working to bring union agreements to other jazz venues," said Recording Vice President John O'Connor.

The union contract took effect in early February and lasts through this June.

John Oddo, the musical director at Feinstein's, calls the jazz series a "welcome addition" to their lineup and adds that "if it is successful, Feinstein's would like to continue the series further."

Musicians who play in the Wednesday night jazz series have the protections of working under a union agreement including scale wages and benefits, and they have the added bonus of playing in a great room and using the club's top-notch backline. Feinstein's also allows the musicians to sell their CD's without commission.

Some of the Local 802 members who have either performed or are scheduled to appear in the series so far include Wycliffe Gordon, Jay Leonhart, the Ellington Legacy Band (pictured on these pages), Sara Caswell, Alan Ferber, Houston Person and Warren Vache.

The Late Night Jazz series at Feinstein's begins every Wednesday night at 10:45 p.m., with a \$20 cover charge and a special reduced-price late night menu. For more, see www.FeinsteinAtTheRegency.com.

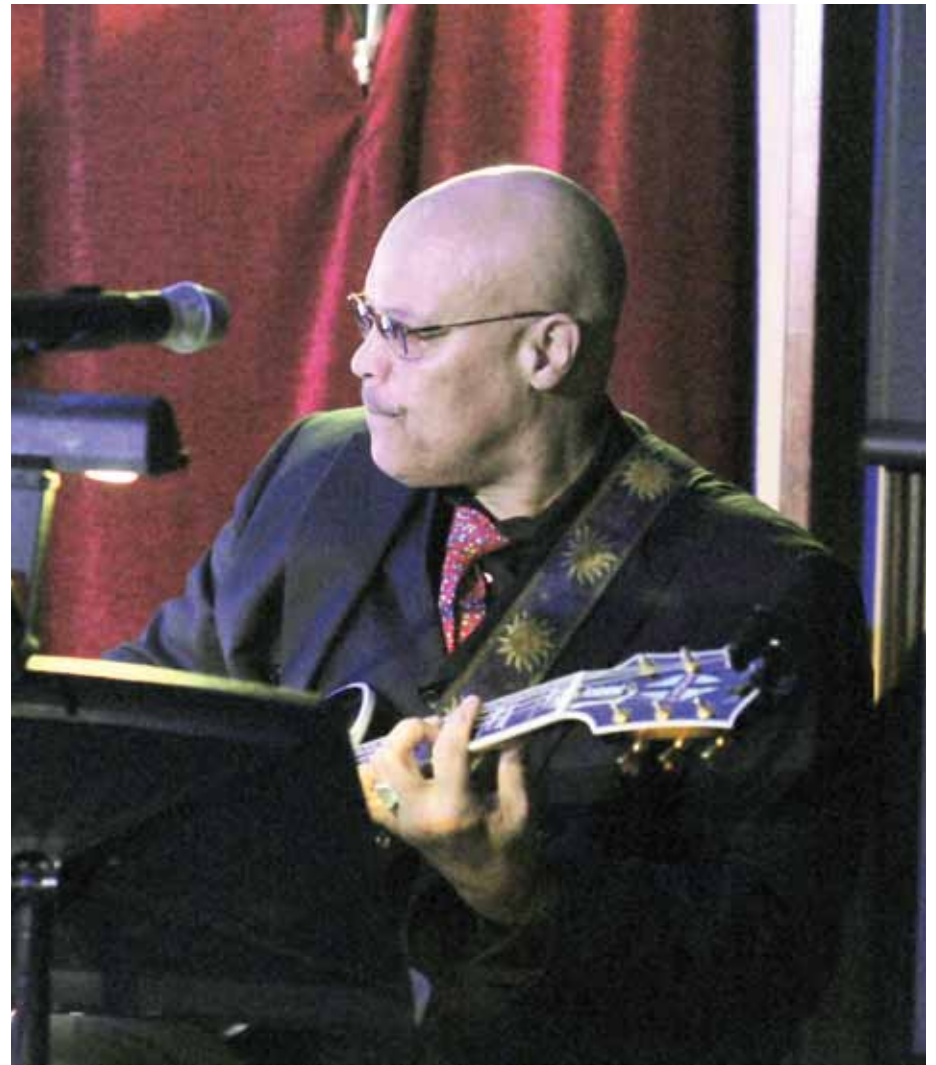


The Ellington Legacy Band recently performed at Feinstein's under a union contract. From left: Norman Simmons (pianist and chief arranger); Edward Kennedy Ellington (bandleader, arranger). Percussionist Sheila Earley (not pictured) is also a member of the band.





From left: Jami Dauber (trumpet); Paul Wells (drums); Noah Bless (trombone); Tom I (guitarist, Duke storyteller); Nancy Reed (vocalist); Virginia Mayhew (saxophonist). See www.DukeEllingtonLegacy.com. Photos by Walter Karling.



AUDITED!

One musician's war story

By **MICHAEL KATES, CPA**
BrassTax@optonline.net

TAXES ARE DUE this month, so here's a war story about an actual musician who was audited by the IRS and how he saved himself, with a little help from his accountant (who just happens to be me!)

Allow me to set the stage first. To receive a letter from the IRS announcing your federal income tax return is being audited will strike fear in the hearts of most mortals. Under such circumstances, when a taxpayer has the benefit of being represented by a CPA, a sigh of relief is often heard. However, when the taxpayer happens to be a performing artist – especially a musician – the cards are often stacked in favor of the government, even if you have professional representation.

Why? Simply stated, most people who make their living in the performing arts are already overwhelmed with their art. Details such as retaining receipts for business expenditures and keeping a diary of how money is spent may not be in the forefront of the artist's mind.

So when a musician is audited, the burden of finding out all of this information falls on people like us – paid preparers.

Musicians show up at the accountant's office with a shopping bag full of unsorted receipts. They spread these receipts out on the desk to be sorted, organized and categorized. The accountant has a daunting task ahead. Income as an employee (W-2) must be separated from self-employment income (1099). Some expenses go on Schedule C; some go on Schedule A. Form 2106 is used to record employee business deductions.

Believe it or not, keeping track of this stuff can actually be done by the

taxpayer with a little coaching and encouragement from the accountant. This is better done before an audit than after, and using a computer program helps reconstruct the records.

Now let's go to our war story.

Introducing our hero

Our musician, who I will refer to as "T" (for "taxpayer"), was employed by two major orchestras located on opposite coasts of the U.S.

T's adjusted gross income was about \$70,000, which included a couple of W-2 side gigs generating about \$5,000. T had no 1099 or freelance income.

The meat and potatoes of the IRS audit dealt with documenting employee business expenses claimed on Form 2106, totaling approximately \$27,000. This included airfare, out-of-town auto rental, books and subscriptions, cell phone, car expenses, instrument repair, Internet, per-diem costs, music supplies, publicity, office, postage, shipping, union dues and work-related legal fees.

The IRS audit notice letter did not challenge deductions for real estate taxes and interest on a primary residence. (Proof of these deductions is provided to the IRS for all taxpayers on Form 1098.)

However, the IRS said no to all of T's business deductions – pending acceptable proof and documentation.

If T simply gave in to the IRS, he would have had to come up with \$7,300, which included penalties and interest. Who has this kind of "extra" money lying around?

T asked me what the final settlement might look like. I replied, "I don't know for sure, but I have a feeling that things will work out O.K."

This case is a cinch?

Whew, this audit is going to be a cinch, I thought. They couldn't have picked a better return to audit. T was a stickler for accuracy and maintained a complete and detailed daily diary with actual receipts to back up every expense. Mileage logs showed opening and closing readings on the odometer for each trip, which resulted in actual mileage numbers, not just estimates.

I had my client fill out a power of attorney form. Confidently, I mailed off a package to the IRS agent handling the case containing what I thought was perfect documentation for every item. Everything tied in to the penny.

Two weeks later I got a phone call from the auditor, who had obviously gotten up on the wrong side of the bed. The auditor told me that she would not read anything until she got a copy of T's employer reimbursement policy.

What is an employer reimbursement policy? Just what it sounds like. It should be a letter that your orchestra, bandleader or contractor can write for you that confirms whether things like meals, mileage and parking are reimbursed to you or whether you pay for them yourself (in which case you may be able to deduct them).

T had requested these forms from his four employers at my earlier suggestion. Three responses had miraculously materialized, but getting the last one was near to impossible. The job in question was with a small local orchestra. There were rumors the group might fold because of budget restraints. Complicating matters, there appeared to be no one in the office to talk to about getting the necessary letter.

Can you imagine the typical busy musician with dozens of W-2 forms

trying to get reimbursement policy letters from each employer? What are the chances of success two years after the gig, which is what happened here? (By the way, the IRS likes to notify taxpayers of audits in just a short enough time so the three-year statute of limitations will not expire.)

Let's get real here. T earned \$350 from this job. How much could the expense reimbursement be? Is this amount material enough to hold up processing of the entire audit?

Contact was finally made with an orchestra board member; the letter was forwarded, and the audit progressed.

The forms are biased

Let me get technical here for a moment, for those among you who are well-versed in tax details. There was an irony in T's situation. If T were 100 percent self-employed, and expenses had been claimed on Schedule C instead of Schedule A, the entire issue would have been moot. Why? Issuers of 1099 forms often only include the base pay and exclude expense reimbursements. This implies the IRS regulations are not being even-handedly enforced – to the detriment of those who are employed as W-2 employees. If Schedule C expenses were properly documented, there would be no IRS hassle about reimbursements, such as what was happening in T's case.

The auditor examined hundreds of receipts for expenses. Everything was perfectly organized. There were adding machine tapes (stone-age technology) tied into the work paper totals; those figures were matched to the tax return schedules. It would have been difficult for most unbiased observers to find a loophole in T's meticulous record keeping.

The way I look at it, settling with the IRS can be O.K. If a taxpayer has to give in on some minor point to get the audit over and done with, so be it. (Isn't it possible just one of those restaurant checks was personal?) With such excellent documentation in T's case, how about the IRS allowing 99 percent of the deductions, and disallowing 1 percent: "Here's a check for \$75, let's go home – everyone is happy."

Think of the added incentive: the taxpayer also saves money on accounting fees by not being overly hard-nosed on every issue.

(By the way, here's some advice if you're ever audited some day. Whatever you do, don't antagonize the auditor. Let the IRS think that it knows more than you do. Be humble.)

This is all fine and good until you run into someone like T's auditor. Now it's time to take the gloves off.

Drive my car

The second annoying audit issue dealt with automobile expenses. The IRS maintains that a taxpayer must use only *one* of the following two methods to calculate vehicle expenses:

1. Claim actual out-of-pocket expenses for gas, oil, repairs, depreciation, etc., then multiply by the percentage used for business purposes. (Personal use is not tax deductible, nor is commuting.)

2. Or, take the amount of miles you drove for business and multiply by a standard rate that the government sets each year. (The rate for tax year 2010 was 50 cents per mile.) This is called the standard mileage method.

Parking and tolls are permitted in addition no matter which method is chosen.

The standard mileage method happens to be a lot simpler to calculate and works well when mileage logs are kept as was the case during T's audit. While at home on the East Coast, T used the car between jobs and we elected the standard mileage method. However while concertizing on the West Coast for a number of months, T rented a car and claimed both that expense and the cost of gas to run the car. The auditor proposed to disallow those expenses because T had allegedly used two different methods of accounting for auto expenses.

I responded that IRS Publication 17 states that when "operating and maintaining 'your car' when traveling away



from home on business, you can deduct actual expenses or the standard mileage rate." The implication of this paragraph is, if you are not using "your car" (the one left at home) there is no specific requirement to use a particular method. Incidentally, by calculating the average cost per gallon of gas on the rental car, projecting the miles driven and multiplying by the standard mileage rate for the year, we would have ended up with a larger auto deduction. The auditor, grudgingly, gave in.

More nitpicking

The auditor had problems with the deductions for cell phone and internet, but a letter from the West Coast orchestra explained that without a permanent residence with a land line phone, there was no way to keep in touch with the personnel department. Musicians are always on call until released from the job. Hence, these were expenses for the convenience of the employer – and once again we prevailed.

Finally, we had to deal with the touchy area of legal fees related to T's employment.

T is not a U.S. citizen. He is from overseas – an "alien" with extraordinary ability. To get into the U.S., T had to be sponsored by an orchestra (in this case, his East Coast employer), and that type of visa would not permit any other employment. Since the one job did not provide enough earnings to survive financially, T's immigration lawyer filed an Application to Adjust Status and a Special Application for Employment. This created an opening to work elsewhere in the U.S. and resulted in T's obtaining an even higher paying job on the West Coast.

Questions have often been raised about the deductibility of obtaining a "green card" even when an individual is sponsored by an employer. There is no clear answer to this question. The IRS often tries to assert this type of legal expense as personal.

In T's case, a letter from the im-

migration attorney linked the legal costs directly to his ability to obtain employment. The facts and circumstances were so overwhelmingly in T's favor, we prevailed.

Victory!

Four months after the audit started, and thousands of words and numbers later, IRS wrote these fateful and awesome words: "We are pleased to tell you we did not make any changes to the tax reported on your return."

This should have been the result from the very beginning, but we had to engage in hand-to-hand combat to get there.

Michael Kates, CPA, runs Brass Tax accounting services for musicians and other artists. He plays French horn, lives in Westchester, and is a member of AFM Local 38-398. Michael Kates can be reached at BrassTax@optonline.net or (914) 669-9800. See his ad on page 23 of this issue.

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Let's get the nation interested in the arts. Who's in?

PAUL MOLLOY'S ARTICLE in the last issue – “The Arts Are Under Attack (Again!)” – so clearly echoes my sentiments about the arts in the U.S. It's so clear that progress in society equals progress in the arts and there is ample evidence to prove this. So why aren't more people energized around this issue?

I encourage readers to send or e-mail Paul's article to lawmakers, blogs, web sites, magazines and newspapers. I think it's time to bombard the media on every level possible to raise awareness.

I am a busy violin teacher at the Kaufman Center and at the Steinhardt School at NYU. Even though I'm busy, I don't want to sit on the sidelines about this issue, since it does basically determine the quality of our society.

I've been a Local 802 member for many years. I'm also a member of the Suzuki Association, the Associated Music Teachers League, the American String Teachers Association and Americans for

MUSICIAN'S VOICE

The Musicians' Voice is an open forum for discussion about the state of union affairs. The letters here do not necessarily express the views of Local 802. E-mail letters to Allegro@Local802afm.org or write to Allegro, Local 802, 322 West 48th Street, New York, NY 10036. Letters must be no more than 300 words.

the Arts. My question to all of us is: who is speaking for us artists on a national level? Who is organizing on our behalf to save the arts? Is there even a Facebook page about saving the arts? If not, there really should be.

I would love to be part of a national

initiative to force lawmakers to wake up and smell the coffee! If there are any fellow members who are interested in kicking around these ideas, please e-mail me at Chris.Pors@gmail.com.

Christiane Pors-Sadoff

Remembering William Vorsteg

I WOULD LIKE FELLOW musicians to know that William B. Vorsteg, my husband of 27 years, passed away on Jan. 3 at the age of 78. Those who knew him may remember that he played violin with the New Jersey State Opera and various quartets, and occasionally with Eve Queler's orchestra in New York City. He played a violin made by Sergio Peresson and studied privately with Ivan Galamian for many years. Although he became a professional court reporter and formed the American Reporting Company, music and violin playing were always part of his life. He was a true musician at heart, a

man of exceptional qualities and he will be greatly missed. Beside myself, Bill is survived by our identical twin sons, John and Thomas, and brothers Robert, David, Stanley, Michael, Raymond, Richard and Lawrence. He is also survived by his sisters Angela and Rosemarie. I would love to hear from any of Bill's colleagues or friends. E-mail me at CeciliaAngell@gmail.com.

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Tuesday, January 11, 2011

M EETING CALLED TO order by Financial Vice President Blumenthal at 11:13 AM. Present: Blumenthal, Recording Vice President O'Connor, Executive Board members Burrige, Covo, Dougherty, Hyde, Kruvand, Olcott, Schwartz. President Gagliardi absent due to Sound Recording Labor Agreement negotiations.

It was moved and seconded to approve the January 4, 2011 minutes as corrected. Motion carried unanimously.

Financial Vice President Blumenthal distributed a Memorandum of Agreement (MOA) with the New York Pops and gave a summary of negotiations. Discussion held. It was moved and seconded to approve the MOA with the New York Pops.

American Symphony Orchestra

EXECUTIVE BOARD MINUTES

(ASO) Committee Chair Gene Moyer present. Moyer read a letter from the Executive Director of ASO requesting permission to record a rehearsal for archival purposes. Discussion held. Moyer excused. Discussion held. It was moved and seconded to allow on a one-time, non-precedent-setting basis the archival recording of the American Symphony Orchestra dress rehearsal at Bard College for the upcoming Carnegie Hall engagement on January 28, 2011. All other contractual clauses relevant to archival recordings remain in full force and effect. Motion carried unanimously.

Blumenthal read a letter from Domestic Workers United thanking Local 802 for a donation.

Blumenthal reported on the negotiations of a single engagement by the Philharmonic of the Americas. Discussion held.

Recording Vice President O'Connor reported on a union caucus in preparation for the Sound Recording Labor Agreement negotiations. Discussion held.

O'Connor presented a proposal to contract fundraising work for Local 802's Emergency Relief Fund. Discussion held. Executive Board Member Schwartz excused. Discussion held. It was moved and seconded to contract the services of Andrew Schwartz to raise funds as an independent contractor for the Emergency Relief Fund for \$19,760 per year for the year of 2011,

commission to be negotiated for funds raised over the amount of \$60,000. Motion carried unanimously. Schwartz present.

Meeting adjourned at 2:05 p.m.

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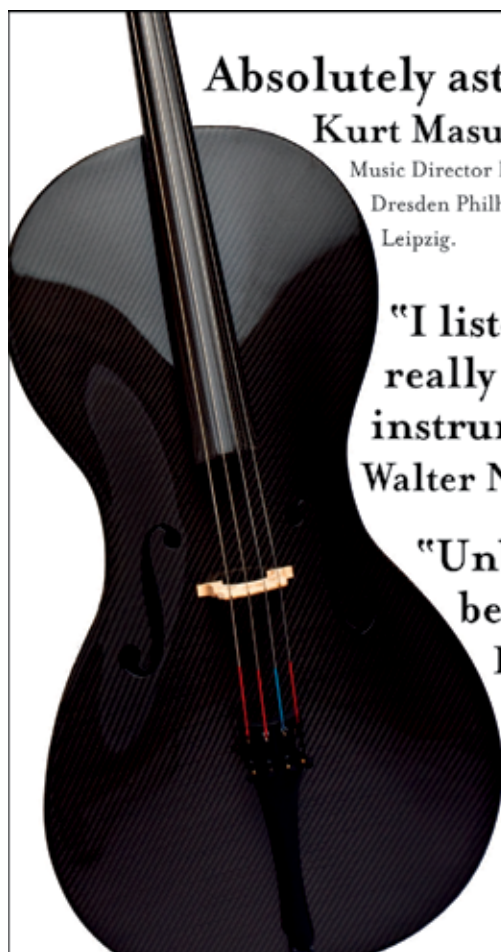
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DON'T SIT BACK –

'Disaster capitalism' and its impact

By PAUL MOLLOY

Pmolloy@Local802afm.org

HOW DID WE get to a place where vilifying teachers, the arts and working families has become an accepted economic strategy to “restore our country’s financial health”?

It didn’t happen overnight. The attacks on organized labor, the arts and teachers are part of a scheme that’s been decades in the making – a political strategy that sees the government as a facilitator for corporate profit above all else.

It goes like this:

- Manufacture a financial crisis by taking the common wealth (your tax dollars) and redistributing it upward in the form of tax cuts for the very wealthy.

- Then, revenue that ordinarily pays for things like public education, first responders, social safety nets and food, water, air and other environmental protections is now in the bank accounts of people and entities with *no incentive* to invest in new businesses or jobs. (Why? Because the government is handing them wealth for free.)

In fact, over the past three decades, these policies created a society where the 400 wealthiest people in the country control more capital than the other 150 million-plus U.S. citizens combined.

The road from there to here

How was this possible? After three decades of sheer repetition in the media, the general public bought into the idea that if you give large tax cuts to the wealthy, they will use them to create jobs, prosperity and a healthy economy for all. There’s just one problem: *it’s not true*.

- Big tax cuts passed in 1921 and 1925 didn’t help the economy. In fact, wages stagnated, and in 1929 the stock market crashed and gave us the Great Depression.

- After the 1981 tax cut was passed, the U.S. experienced a recession that lasted nearly two years.

- Three years after the big tax cuts of 1987, growth slumped, giving us the recession in 1991.

- The years from 2001 and 2008 saw some of the slowest economic growth in decades.

- Despite tax cuts in 2001, 2003 and a tax rebate in 2008, the U.S. economy lost 4.5 million jobs between 2007 and January 2009.

- In 2008, the economy sank into the worst recession since the Great Depression. At the end of George W. Bush’s presidency, 25 percent of all American children lived in poverty, official rates of unemployment hovered around 10 percent, but were more like 25 percent for young people and over 30 percent in some minority communities.

When the country is in financial dire straits, it creates opportunities for ideological politicians to use the crisis to go after organizations and segments of the workforce with which they disagree politically in the name of budget balancing.

The attack on public sector unions in Wisconsin, Indiana, Ohio and Michigan is one such example. Governor Scott Walker of Wisconsin, only in office since January 2011, declared a \$177 million shortfall in the state budget and that painful cuts were necessary.

When public sector unions willingly stepped up to the plate to do their part, Governor Walker insisted they give up some of their collective bargaining rights.

What the governor did not disclose is that when in office just under two weeks, he and his allies in the legislature gave away \$117 million in tax breaks to corporations. Neither the collective bargaining rights Walker sought to eliminate nor the public unions had anything to do with Wisconsin’s budget gap.

What’s lost on ideologues like Governor Walker is that economists will tell you that a good way to get out of debt is to increase jobs and GDP.

This too seems lost on the leadership in the House of Representatives. Promises of job-creating legislation during the 2010 election cycle have been shelved in favor of more ideological initiatives.

Three months into the 112th Congress, they have created *zero* jobs.

(By contrast, the Congressional Budget Office reports that the 111th Congress, two months in, created or saved 3.3 million jobs).

However, the current House majority did vote to eliminate funding for National Public Radio (and with it, critical infrastructure for disseminating AMBER Alerts, which have successfully recovered 532 abducted children).

The attack on teachers, the arts and working families did not happen overnight. It was decades in the making.

Cutting through to the marrow

Maintaining this state of emergency mentality allows ideological politicians to insist on deep cuts in taxpayer-funded programs unrelated to the court system, the banking system, defense or commerce.

What does this mean for public schools?

- The phony arguments for improving public education that gave birth to the “teach to the test” model will only intensify and worsen.

- When funds are cut from education budgets, existing problems are compounded.

- Meal programs for the disadvantaged are cut, classroom sizes increase while the number of qualified teachers

needed to address the needs of all students decreases.

To add insult to injury, teachers – particularly the most experienced and longest serving among us – will continue to be blamed by many politicians and talking heads in the media for the effects that poverty, hunger, abuse and lopsided distribution of resources have on student performance.

These attacks are currently being used to strip teacher seniority rights, divert public money to charter schools that foster a two-tiered, second-class citizenship system for special needs and second language children and to undercut living wages for teachers.

In New York City, Mayor Bloomberg wants to transfer \$139 million in public funds to charter schools next year and cut \$207 million from public schools.

As I said in last month’s *Allegro*, one might be inclined to think that the emergent model of education in the U.S. is to provide just enough training to supply employers (that benefit exponentially from these tax cuts) with a continuous source of cheap, unskilled and low-skilled labor.

Attacking the arts

The offensive against the arts occurs on multiple fronts. During the culture wars of the 1980’s, certain religious groups and their political allies in congress assailed certain federally funded works of art as indecent, blasphemous or subversive.

Calls for “decency” and “moral values” – litmus tests for works of art that received public funding – buzzed throughout Capitol Hill.

When the NEA came up for a five-year budget review in 1989, North Carolina Senator Jesse Helms introduced an appropriation bill to ban the funding of what he considered “obscene” art.

His bill failed, but the compromise

PUSH BACK!

on arts and education



The union busting in Wisconsin brought out thousands of protestors. Many are waking up to how bad things have gotten.

has had a chilling effect on federal funding of free speech and artistic expression ever since.

It required the NEA to adopt obscenity guidelines established in 1973 by the Supreme Court.

While Congress couldn't directly deny grants to artists whose work it considered obscene, the NEA had to from that point forward.

However, Congress does have the authority to defund the NEA, and depending on which party controls both chambers, threatens to do so in the name of decency, family values and fiscal prudence.

As part of the temporary budget bill passed the first week of March, the House of Representatives voted to cut \$43 million in funding for the NEA and kill the Arts in Education programs at the U.S. Department of Education.

(Incidentally, the greatest beneficiaries of this program are New York State

schoolchildren.)

In addition, the House also voted to cut significant funding for the National Writing Project (\$25.6 million), Reading is Fundamental (\$24.8 million), Teach for America (\$18 million), National Board for Professional Teaching Standards (\$10.7 million), New Leaders for New Schools (\$5 million) and many other important arts education programs.

In addition to attacking arts and arts funding from a cultural point of view, anti-intellectualism, a centuries old, divisive propaganda tool which shuns individual expression and independent thought, is deployed to generate hostility and mistrust toward artists and teachers for political gain.

The argument goes like this. Education and expertise are regarded as the arrogant and snobbish products of an elite and privileged upbringing and are therefore out of sync with mainstream American values and the "just folks, wanna-have-a-

beer-with" personas we seek to hold office and make major decisions.

As a result, those with backgrounds in the arts, sciences, philosophy or literature are to be regarded with suspicion and contempt (as are their supporters in office and other places of influence).

By delegitimizing these fields, their respective workforces and the skills necessary to work in them, it becomes "acceptable" to cut funding for higher education, despite what people like our president and governor say about helping our kids become more competitive in the workplace through a leaner, more efficient education system.

Since 2008, 43 states have enacted drastic cuts in higher education, making it more difficult for kids from poor and middle class families to get the quality education they need to succeed in life.

In New York, Gov. Cuomo wants to cut aid to State colleges by 10 percent.

In Pennsylvania, Gov. Tom Corbett wants to cut funding for state colleges and universities by nearly 50 percent.

Don't sit back: push back

Canadian journalist and author Naomi Klein coined the phrase "disaster capitalism" to describe "this phenomenon of seizing disasters to push through this radical brand of capitalism . . ." She maintains that such public policies "only work if we don't know about them."

The general public is slowly beginning to wake up to the extreme ideological overreach witnessed in recent weeks.

Protesters took to the state capitals in Wisconsin, Ohio, Indiana and Michigan to protest their respective governors' threats to public sector unions and working families.

Demonstrations continue nationwide in favor of collective bargaining rights and balanced tax policies that benefit all Americans, not just 400 of them.

In a show of solidarity, Local 802 members took to the streets and joined with other unions in demonstrations at New York City Hall and the Statehouse in Trenton, New Jersey.

As for our industry, I've said it again and again. Unless we are willing to settle for a dystopian society devoid of curiosity beyond which mall has better curly fries, we cannot sit idly by and allow these deep, harmful cuts in arts and education.

As long we ignore cynical, reverse-Robin Hood public policies that steal from the poor to give to the rich, we can expect more cuts in arts and education spending, more attacks on organized labor and even larger transfers of wealth from the vast majority of the public to a select and powerful few.

If you're ready to fight, we need you. Please contact my office at Pmolloy@Local802afm.org or (212) 245-4802, ext. 176.

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SPLAIN, Timothy John, 1920 West Winona Street, Apt 2, Chicago, IL 60640

LUTE

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ORGAN

STEIN, Yoav, 126 West 83rd Street, Apt 2-C, New York, NY 10024

PERCUSSION

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PIANO

KORBA, John F, 1407 Califon-Cokesbury Rd, Califon, NJ 07830

LYONS, Jeremy, (718) 876-9988, 53 Confederation Pl, Staten Island, NY 10303

NICHOLS, George, 15 Sunset Lane East, Miller Place, NY 11764

ROMERO, Tyre, 186 Schaefer St, Apt 3-R, Brooklyn, NY 11207

TENOR SAXOPHONE

DR. MARANZANO, JR., Charles, Apt B-216, 1 Hillside Drive, Mount Arlington, NJ 07856

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TRUMPET

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WILL, Timothy, (612) 418-8719, 60 Lincoln Center Plaza, New York, NY 10023

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BLANDEN, Jeremy, (713) 299-1005, 600 West 157th Street, Apt 12, New York, NY 10032

ELYAR, Daniel, 1228 S 10th Street, Philadelphia, PA 19147

TSUBOTA, Mitsuru, 191 Claremont Avenue, Apt 23, New York, NY 10027

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ANDYDEE, Bushdoctor, (646) 529-6105, 362 West 23rd Street, Apt 7-A, New York, NY 10011

BROOKS-BROWN, Michael, 150-50 115th Drive, Brooklyn, NY 11234

MCCORD, Constance, (212) 460-8464, 210 Forsyth Street, 3rd Flr, New York, NY 10002

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WHY WE JOINED THE UNION

To join Local 802, call our Membership Department at (212) 245-4802



Michele Bazzani



K. Marie Kim



Ken Gross



John O'Reilly Jr.



Chuck Bridges

I JOINED LOCAL 802 because the union helped me with a problem I had with my former employer. My musical goals in New York City are to produce and record my music with local musicians. I mainly get my gigs by self-promotion. I play percussion.

Michele Bazzani

MichaelBazzani@yahoo.com

WHY DID I JOIN Local 802? I wanted to be officially part of a professional music community where relevant issues are brought forward that help musicians, whether it be petitions for making traveling easier as a musician, or simply being informed of what's happening.

I love performing original music, and enabling music for other artists or creative people. Though my experience lies in recording original music, I have been dabbling in engineering and also doing voice and cello sessions for various music agencies for advertisements and post production. I'd like to expand in this particular area. I am also focusing on performing with my band, Good News Bears, bringing upbeat, intelligent

yet accessible music to the independent music scene.

My most recent gig was a freelance engineering gig for a new feature film. I got it through an old Berklee College of Music alumnus via our alumni network.

My principal instrument is piano and voice, but I do a lot of work on the cello as well.

Kyuhyun Marie Kim
(K. Marie Kim)

k.marie.kim@gmail.com

I WAS A LOYAL member for over 40 years. Building my own business in the club date field landed me mainly "on the other side of the table." I was a signatory leader. Over all those years, I kept my Local 802 membership active. Then, about five years ago, I decided to let it expire. Now, with the industry in a slump due to the economy – as well as other factors, like the use of DJ's in place of live music – I find myself working more for others as a sideman or sub-leader, so it just made perfect sense to re-join.

My musical goal is very simple. Make

music. Enjoy making music. When possible, make good music. Really enjoy making good music. Make a few bucks – pay some bills – eat – sleep. Go make more music!

I got my most recent gig through my reputation. My principal instruments are trumpet, flugelhorn, piccolo trumpet and MIDI EVI.

Ken Gross

Ken@KenGross.com

I JOINED LOCAL 802 to do some subbing on Broadway. My musical goal in New York City is to play good music with great musicians. I got my most recent gig through a referral from a colleague. My principal instrument is drum set.

John O'Reilly Jr.

JorDrum@gmail.com

I JOINED LOCAL 802 because I moved back to New Jersey from Virginia. I have a high regard for the reputation of performers from Local 802 and consider it an honor to be one of them.

It is my hope to perform woodwinds in the NYC area and to continue study-

ing jazz with some of the top performers here.

I play clarinet, flute, and most of the saxes (except bass sax). I also get around on most brass instruments. I conduct and have extensive experience directing shows as I worked for Busch Entertainment Corp. in Williamsburg for two decades. I also sing a bit on gigs. I've played everything from Dixieland to weddings to more serious venues.

I will play with the Captains of Leisure this month in Sparta, New Jersey. I got the gig when I introduced myself to the leader and gave him an overview of my credentials. I would love to play on Broadway as a sub one of these days. (I saw "Jersey Boys" and would fit right in on sax.)

I hope to network with many old friends who I performed with back in the 1960's and 1970's here in the NYC area. I played with Warren and Alan Vache back in my formative years, and Vince Giordano (Nighthawks) back in my Village days.

Chuck Bridges

NewJerseyMusician@gmail.com

Are you paying too much tax?

As a musician, your employers are legally required to pay their fair share of your Social Security and Medicare taxes. If you're paid cash for gigs, you're losing money. How much? If you make \$30,000 per year as a musician, you lose \$2,295 out of your own pocket when you are misclassified as an independent contractor. Tell your bandleaders and employers to pay you as an employee – it's your right, and it's the law. For more information, contact the Organizing Department at (212) 245-4802.



PHOTO: ETHAN MYERSON

If you have problems, we offer lots of help...for free!

MUSICIANS' ASSISTANCE PROGRAM

CINDY GREEN, LCSW



The office of the Musicians' Assistance Program is your one-stop shop for musicians' health. We offer counseling – both one-on-one and in groups – as well as information on all kinds of social services, including health insurance, food stamps and more. All services are free to Local 802 members. Contact us at **MAP@Local802afm.org** or (212) 397-4802.

THE MUSICIANS' ASSISTANCE program at Local 802 has been a resource for decades, yet we still meet members who come for services and say, "I didn't know this was here for me!"

In a nutshell, we help members who are facing challenges. This month, we will take a look at all of the services offered by us.

The MAP office is staffed by three staff people. I am a New York State licensed clinical social worker. I work individually with Local 802 members and I coordinate all program services.

Each year I have a graduate student from a local university, who is working toward a master's degree in social work. The interns take on their own caseload, closely supervised by me.

We also have Dorothy Gibson, our administrative assistant, who has been a loyal union employee for many years.

We always treat members with compassion and respect and we are here to help answer your questions.

The MAP office began with a grant from New York City's Office of Addiction and Substance Abuse Service, so our initial services were focused on issues of chemical dependency. We still offer plenty of help with these challenges. Members who are using drugs or alcohol and want to stop should feel free to contact the MAP office. We can talk about your fears about use and recovery. We can also recommend treatment programs, both inpatient and outpatient, and our staff will be there for support throughout your journey of exploration and recovery. We speak to insurance companies and treatment providers to ensure that you are taking full advantage of your resources and that you have the proper support you need to reach your goals.

Since its inception, the social work team of the MAP office has grown to provide many more services, including the Emergency Relief Fund. Through this fund, members who qualify receive small financial assistance grants during times of crisis. Members who are interested in accessing this engage in a thorough application process with a MAP staff person. Grants can be provided for portions of rent, electricity bills, health insurance or even therapy if eligibility criteria are met. Eligibility is evaluated on a case by case basis.

Many Local 802 members have reached retirement age. The MAP social workers frequently evaluate seniors who may need support services, connecting elderly members with home care or alternative living situations. MAP social workers make referrals to elder care attorneys and Medicare experts as well as to appropriate social services to enhance the quality of their lives and avoid isolation. To accomplish these goals, we work with the member's entire support system, including family and friends, to ensure a safe and fulfilling life.

Members who are disabled or suffering from illness or injury can come to



PHOTO: EP_JHUVIA FLICKR.COM

the MAP office to explore their options including worker's compensation or disability. We work with doctors and other service providers to create a plan that allows members to effectively manage their lives.

Given the unpredictable nature of the music business, the MAP office is frequently called upon to provide short-term emotional and moral support for its members. Anyone looking to address more chronic psychological needs will generally benefit from ongoing psychotherapy. The MAP office has a comprehensive network of trusted therapists and organizations that provide low fee counseling.

All services provided by our office are strictly confidential and there is no cost to members or their families. To find out more, call us at (212) 397-4802 or e-mail **MAP@local802afm.org**.

One final note. All Local 802 members are also eligible for services provided by the social workers of the Actors Fund.

These include support groups and seminars, which often address a range of issues including financial wellness, depression and anxiety, employment challenges and disabilities.

Directory available online

If you're a Local 802 member, you can search the membership directory online – which will get you names, addresses, e-mails, phone numbers and instruments of all of our members. Just go to **www.Local802afm.org**. Log in as a member. Then click "Search Directory" from the left-hand, red menus.



CALENDAR

Send information to Mikael Elsal at
Allegro@Local802afm.org

JAZZ JAM

There is a jazz jam on most Mondays at Local 802, from 7 to 10 p.m. Upcoming dates include April 4, April 11, April 18 and April 25.

VOICE SCREENING FOR SINGERS

The New York Eye and Ear Infirmary in partnership with MusiCares and KayPentax, has scheduled its fourth annual voice screening for professional singers on Saturday, April 16 from 9:30 to 3 at the New York Eye and Ear Infirmary Voice and Swallowing Institute, 310 East 14th Street (at 2nd Avenue), 6th Floor, North Building. A series of comprehensive tests and services will be provided FREE OF CHARGE, but singers must be pre-screened for financial eligibility in order to qualify. For more information, call (212) 245-7840 or e-mail rsvp_mcnny@grammy.com

MEMBERSHIP ORIENTATION

The union holds its regular orientation for new members this month on Thursday, April 21 at 11 a.m. in the Executive Board Room. For more information, call Maureen Cupid at (212) 245-4802, ext. 111.

Disabled?

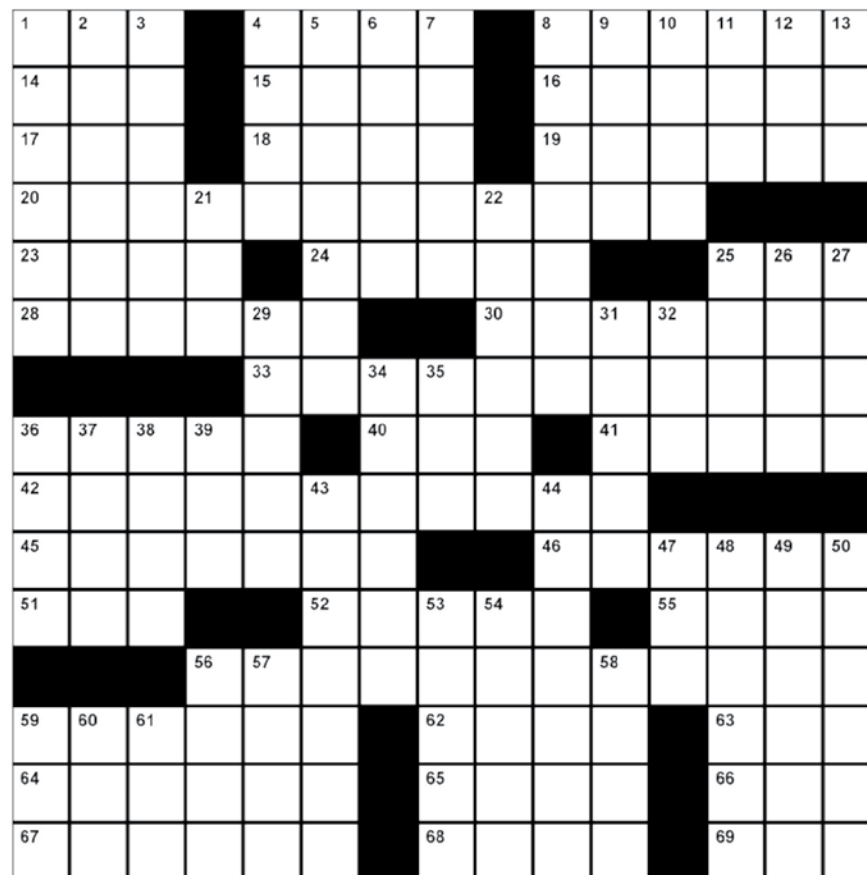
MEMBERS WHO BECOME disabled should know about a bylaw resolution adopted by Local 802's Executive Board in 2006 that loosens the procedure for applying for honor membership.

In the past, members could only earn honor status after 35 years of consecutive membership and after attaining the age of 65.

However, under the 2006 bylaw, disabled members need only 20 years of consecutive membership and an age of 40 to be considered honor members.

For more information, contact Theresa Couture at (212) 245-4802, ext. 115 or Tcouture@Local802afm.org

CROSSWORD PUZZLE by BestCrosswords.com



Answer at www.TinyURL.com/AllegroCrosswordApril2011

Across

1- Bumbler; 4- Bloody conflicts; 8- Clockwise; 14- Altdorf's canton; 15- Explorer Tasman; 16- Ancient Palestinian; 17- ___ Aviv; 18- Mature; 19- Tropical American crocodilian; 20- Polymorphic; 23- Peter Fonda title role; 24- Bottom line; 25- T.G.I.F. part; 28- Japanese mat; 30- Republic in SE Europe; 33- Incidents; 36- Australian marsupial; 40- Lennon's lady; 41- Hiding place; 42- Good and bad times; 45- Deprived of office; 46- Device for applying ocular rinse; 51- Young ___; 52- Choose; 55- Starch used in puddings; 56- Incapable of being penetrated; 59- Ice cream topped with syrup; 62- Comics canine; 63- Blotto; 64- Scoffs; 65- Ground; 66- Always, poetically; 67- Overhaul; 68- Jason's craft; 69- Attempt

Down

1- Yield; 2- Ring of color; 3- Boneless slice of meat; 4- Of moderate temperature; 5- Of the absence of life; 6- Dupe; 7- Slumbered; 8- Bleach; 9- Biblical birthright seller; 10- Warts and all; 11- Religious sch.; 12- Actress Balin; 13- Author Deighton; 21- Affirmative reply; 22- Agricultural implement; 25- Member of a great Peruvian people; 26- Connections; 27- Scarf; 29- Haunted house sounds; 31- Unordered; 32- As a female, you could be queen or worker; 34- Pamper; 35- Numero ___; 36- African antelope; 37- Amenable; 38- Cairo cobras; 39- Philosopher ___-tzu; 43- Most profound; 44- Bedroom mosquito protection; 47- Conductor ___-Pekka Salonen; 48- Little coax?; 49- More gruesome; 50- Frost's field; 53- ___ Gay; 54- Aromatic wood; 56- Brain wave; 57- Roman god of war; 58- Fix up; 59- Georgia, once: Abbr.; 60- Article in Le Monde; 61- Japanese computer giant

SIGHT-SINGING CHALLENGE



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AS AN INSTRUMENTALIST, are you ever asked to sing backup -- and when you say you can't sing, do you lose the gig? Or are you already a vocalist but just need some touchup lessons? Or do you just want to sing for fun? I'm offering an introductory special of just \$25 for 30 minutes or \$40 for an hour. All styles: Broadway, jazz, commercial, blues, "ethnic," etc. You can easily acquire good technique now! Call (212) 662-5011 or e-mail Leonelsky1@yahoo.com

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contact Wolfe Taninbaum, 4280 Galt Ocean Drive, Apt. 18-L, Ft. Lauderdale, FL 33308, tel. (954) 561-7804, e-mail Velfka@gmail.com.

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VIOLINIST IN PAIN? Have you been to physicians, chiropractors, acupuncturists, etc. without really being helped? Many people claim they can alleviate the pain. I offer a free first lesson to demonstrate that pain can be eliminated quickly, and that you can still play without pain -- even if you have been injured. My approach is based on a combination of Alexander Technique and the playing principles of D.C. Dounis. Contact Larry Johnston at (212) 874-5350 or cljerman@yahoo.com

FOR SALE

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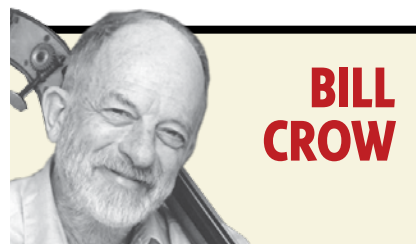
The Band Room

BILLY TRIGLIA, 86, passed away on Feb. 3, closing a lovely chapter in my life. He was a jazz pianist born in the Bronx, who lived most of his life in Bergen County, New Jersey. I met him soon after I became a bass player in 1950, when he asked me to play with him in a little club in Nyack called the Paradise. Tony Fruscella was the trumpet player on that gig, and through Bill and Tony I later met and played with Dave Schildkraut, Frank Isola, Jimmy Knepper, Don Joseph and Red Mitchell. All these musicians liked their jazz soft, mellow and melodic, with a lot of swing. I learned a lot from being around them.

Billy was a good piano player, and a sweet person. His enjoyment of the music and of the musicians he liked was infectious. He would find places to play around New Jersey and in New York, usually for very little money, and I would happily go wherever it was just to be in on the fun.

You can find Billy on a few recordings that he made with Fruscella, Schildkraut, Hank D'Amico, Sam Most, Jackie Paris, Charles Mingus and Zoot Sims, and there are a couple of recordings of radio broadcasts done from Birdland when he was with Lester Young's quintet. Like many of us, he put in some time on the road with big bands like Les Elgart, Alvino Rey, Sam Donahue and Georgie Auld, but he spent most of his life in anonymity with small jazz groups and club date bands.

I saw Billy for the last time about a year ago at a rehearsal of Dick Meldonian's



Bcrow@Local802afm.org
www.BillCrowBass.com

band in Emerson, New Jersey. Billy came to visit, and though I could see he wasn't well, the old smile and the delight in being with other musicians was still there. His enthusiasm for the music during his lifetime was a great gift to those who knew him, and it made hundreds of what would have been ordinary gigs into something special.

From time to time William Zinn has sent me stories for this column. I recently received another Zinn story from Susan Rosenberg:

When Ed Koch was mayor of New York City, he instituted free concerts in nursing homes in Queens. The free concerts took place under the title "Project Sunshine," and were made up of volunteers. Bill Zinn's "Ragtime String Quartet" played gratis in nursing homes all over Queens.

During one concert, Zinn noticed an elderly man keeping time to the music

by tapping on the armrest of his wheelchair. While packing up the stands and sound system after the gig, Zinn struck up a conversation with the man, and suddenly a nearby nurse began to yell, "He's talking!"

The man, a Long Island physician, had been in an automobile accident, was in a coma for months, awoke with a loss of memory, and had been incommunicative for about a year, just sitting in his wheelchair all day staring at a blank wall. The ragtime beat of the music played by Zinn's group somehow jolted him back to awareness. When Zinn was offered a reward, he said, "I've been already compensated by the smile on the face of the doctor in the wheelchair."

Art Baron told me that, when he was on the road with Duke Ellington, the pianos provided for Duke were usually good instruments. But once in a while the maestro would find himself at a piano with some severely questionable notes on it. Maybe a new string that hadn't been retuned, or a pin that had slipped a bit. Art said that, instead of avoiding the dud notes, Duke would play around with them, building up a solo to a climax and then inserting a dreadful sounding note, while looking impishly at the band. He managed to turn a sad situation into entertainment for his musicians.

While visiting in Puerto Rico, trumpeter Mike Lewis heard a band playing in a hotel lobby, led by a flute player who Mike thought looked a lot like Dave Valentin. Mike took a seat at the bar to listen, and noticed that there was another flute player sitting next to him, waiting to sit in. Mike asked him if the band leader was Dave Valentin. "I don't think so," said the visiting flutist.

When the band took a break, the musicians came to the bar and greeted the visiting flutist with such respect and acclaim that Mike took a better look at him and said, "Oh, you are Dave Valentin!" To which Valentin replied, "No s__t!"

The late Les Paul was known in the music world as a brilliant guitarist, an electronics genius, a charming personality, and a crusty bandleader. When he had a steady Monday with his trio at Fat Tuesday's, John Arbo was sent in to sub one night by Les's regular bassist, Gary Mazzaroppi. John told me that, at the end of the first set, Les acknowledged the two musicians who supported him: "So let's have a round of applause for the great Lou Pallo on rhythm guitar!" (Cheers and applause.) "...and let's have a hand for our bass player. On bass, we have... uh, ...we have... uh, " (and still on the microphone,) "what the f__ did you say your name was again?"



PHOTO: ROBERTO DEVIDO VIA FLICKR.COM

Allegro

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Benefit concert for Japan on April 11

ROBERTO'S WINDS, a longtime Allegro advertiser, is organizing a benefit concert. Proceeds will benefit victims of the Japan earthquake and tsunami. The concert will be Monday, April 11 from 6 p.m. to 10 p.m. at Rosie O'Grady's Limerick Bar, 149 West 46th. It will be hosted by Joel Frahm, with special guests Najee, Lakecia Benjamin, Antonio Hart, Bob Franceschini, Greg Osby, Marcus Strickland and Grant Stewart.

SAVE THE DATE

JUNE 2011 MEMBERSHIP MEETING

WEDNESDAY, JUNE 15, 2011 • 5 p.m.

The meeting takes place here at Local 802:
322 West 48th Street, between Eighth and Ninth Avenues.

Admission to meeting by paid-up membership card only

