

Drummer Buddy Deppenschmidt is speaking out about his role in the recording of Stan Getz and Charlie Byrd's 1962 classic *Jazz Samba*. In the process, he's raising new questions about how the '60s bossa nova craze came into

being. BY DAVID ADLER



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"Ahead of the rest of Latin America, Brazil posited itself as another country in the Americas with a strong enough history and cultural development to become a cultural peer of the United States," writes Ed Morales in *The Latin Beat* (Da Capo 2003).

The role of jazz in fostering amity and exchange between the two nations cannot be overstated. Antonio Carlos Jobim had been influenced by West Coast "cool" well before his first in-the-flesh collaborations with American jazz musicians. He and guitarist and vocalist João Gilberto pioneered a new, urban, sophisticated music called bossa nova, derived from the faster, more symmetrical samba rhythm. The new idiom's seductive sound, unusual song forms and suitability for jazz improvisation had a profound impact on most American jazzers who heard it. In time it would become, in Morales' phrase, "the first truly panhemispheric music of the Americas."

Stan Getz and Charlie Byrd's *Jazz Samba*, released by Verve in April of 1962, was not the first Brazilian-inspired jazz effort by Americans. Dizzy Gillespie, Herbie Mann, Curtis Fuller, Bud Shank and Stan Kenton (with Laurindo Almeida) had recorded Brazilian music before, but without much notice or commercial success. [See the "Dis *Here* Finado?" sidebar.]

Jazz Samba, on the other hand, sold half a million copies in 18 months and became the only jazz album ever to hit No. 1 on the Billboard pop chart, and it remained on the charts for 70 weeks. The record netted Stan Getz a Grammy Award in 1963 for Best Solo Jazz Performance, bolstered Creed Taylor's reputation as an emerging star producer and gave Getz and Byrd career hooks to hang their hats on for years to come.

In our day Jazz Samba has been overshadowed by 1964's Getz/Gilberto, the undisputed masterpiece of the genre, with its monster hit "The Girl From Ipanema." Jazz Samba, in contrast, featured Getz with American, not Brazilian, musicians. He and Charlie Byrd, the co-leaders, were joined by Byrd's working rhythm section: Keter Betts on bass and Buddy Deppenschmidt on drums. Joe (Gene) Byrd, the youngest of Charlie's three younger brothers, played rhythm guitar or second bass, and Bill Reichenbach played additional drums and percussion. It is Jazz Samba that gave American listeners their first taste of "Desafinado" and "One Note

Samba" and set the '60s bossa nova craze in motion.

The American masses not only warmed to the music, but also succumbed to a bout of consumer-culture silliness. As Dave Gelly writes in his Stan Getz biography *Nobody Else But Me* (Backbeat 2002), "[At] the height of the craze one could buy bossa nova ballpoint pens, bossa nova gymshoes and bossa nova foldaway plastic raincoats."

Everyone from Eydie Gorme to Elvis Presley had a go at a bossa nova hit, and the jazz world saw a wave of now-forgotten bossa nova statements by Quincy Jones, Charlie Rouse, Milt Jackson, Shorty Rogers and more. The fad soon ended, as all fads do. But in the coming decades, bossa nova would have a truly significant and lasting impact on jazz. Jobim is now nearly as integral to the jazz canon as Rodgers & Hart, rhythm changes and the blues.

IN HIS LINER NOTES TO THE 1997 VERVE REISSUE OF *JAZZ SAMBA*, John Litweiler wonders, "Would North American audiences have even known of bossa nova if not for [Charlie] Byrd?"

From Buddy Deppenschmidt's standpoint, the question is exasperating.

Roughly three years ago, the drummer filed suit against Verve and its parent company, Universal Music Group, for back and future royalties on *Jazz Samba*, which continues to sell respectably and has had its tracks anthologized at least three dozen times. In a lucid fourpage press release he recently sent to a wide cross-section of the jazz media, Deppenschmidt wrote: "[*Jazz Samba*] was my conception and would not have happened without the combined efforts of Keter [Betts] and me...."

Betts declined to join the lawsuit and would rather let sleeping dogs lie, but his version of events agrees with Deppenschmidt's in many respects.

Bringing legal action some 40 years after the fact, with no written contracts to support one's case, may seem a quixotic gesture. Ideas and achievements go uncredited every day, in every field of human endeavor. (And drummers, in particular, have a hard time getting credit for anything.) Moreover, it was Getz and Byrd whose names appeared on the album cover; for them to have received the

lion's share of recognition is not surprising.

But the success of *Jazz Samba* caused substantial friction between the two co-leaders themselves. Annoyed by the fact that he had received routine compensation for a hit record, Charlie Byrd sued Verve (then owned by MGM) in September 1964. It took him nearly three years to secure \$50,000 plus future royalties on the album. Byrd also grumbled publicly about Getz's Grammy, not to mention his disproportionate monetary rewards. "All Stan had to do was come in and play," the guitarist protested in a 1963 interview with Leonard Feather in *Down Beat*. Donald L. Maggin, author of *Stan Getz: A Life in Jazz* (Morrow 1996), writes that Getz "prevailed upon Verve executives to add a clause to [his] contract indemnifying him against possible suits by Charlie."

Deppenschmidt's case, as Yogi Berra might say, is déjà vu all over again. And yet the drummer's tale is a detailed and persuasive one, throwing the conventional wisdom surrounding *Jazz Samba* into question. Deppenschmidt received \$150 for his playing on *Jazz Samba*, and has never been given credit for his role in making the project a reality. Maggin's book makes reference to the "two drummers" on the record but doesn't name Deppenschmidt. Gelly's book does, but only in passing.

Everyone agrees about one thing: The seed for *Jazz Samba* was planted during the Charlie Byrd Trio's 1961 State Department tour of Brazil and 17 other countries in South and Central America.

Keter Betts and Buddy Deppenschmidt were Byrd's bandmates on that tour, and they weren't merely along for the ride. During a weeklong stay in Salvador, in Brazil's Bahia region, the three found themselves at the home of an eminent judge, Carlos Coqueijo Costa, who had been impressed by the band in concert. "After dinner," Betts recalls, "they passed the guitar around, and the mother played, and the judge played and the daughter played."

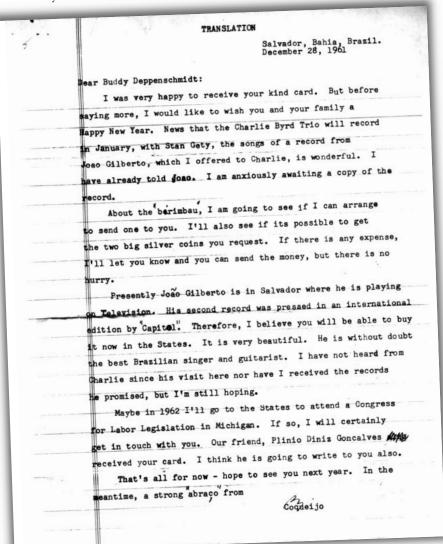
The family also spun records by Jobim and Gilberto for their enthralled American guests. Costa's son, a drummer and pianist, proceeded to give a master class in rhythm. "There weren't any drums set up in the house," Deppenschmidt says, "but he took a pair of brushes and put on the LPs, and he started playing on a record jacket that he was holding between his knees. And I'm telling you, this kid could really play the brushes. He had beautiful technique and finesse. He was playing bossa nova, without the stick and the one brush, which is the way they usually play it."

It was just a charming, cross-cultural dinner party, but it catalyzed events that would alter the course of American jazz.

The next day, Betts and Deppenschmidt headed to town and bought the records they had heard, including Gilberto's first two albums on the Odeon label. (One of the records was missing a jacket, so the store owner placed it in a sleeve for Frank Sinatra's *Only the Lonely.*) Betts and Deppenschmidt recall borrowing a record player and on several occasions meeting in the drummer's hotel room to learn the new music.

During the band's stay in nearby Porto Alegre, a young woman approached Deppenschmidt after a concert. "She invited me over to her house the next day for dinner," he says. "I didn't know if it was a come-on or what. She said she was a friend of Gilberto's, and she wanted to play me his music. I said, 'Well, I just bought his records.' And she said, 'We'll teach you how to play the rhythm.' So I went over, and it was very legitimate. Her father had taken off from work that day, her grandfather was there, her boyfriend and her sisters and brothers and all of her friends—she invited them all over. Her brother was a guitar player named Mutinho. They taught me the rhythms. They taught me all kinds of stuff that day."

The woman's name was Maria De Lourdes Regina Pederneiras; she wrote Deppenschmidt six letters after he returned home. Judge Costa, now an official with the Organization of American States, also sent him letters and recordings. Brazil and its people had left a



A letter from Judge Carlos Coqueijo Costa to Deppenschmidt, December 28, 1961

deep impression on the 24-year-old drummer.

Many accounts portray Charlie Byrd as gung-ho to record bossa nova after the tour. "When Byrd returned to the States in 1961 armed with 'Desafinado' and a cache of new Brazilian songs," wrote David Simons in a 1999 article for Acoustic Guitar magazine, "the first person he rang up was jazz producer Creed Taylor."

That would have been an odd thing for him to do.

Taylor was then managing director of A&R at Verve; Byrd was recording for Orrin Keepnews at Riverside. Simons' questionable account, which altogether omits Deppenschmidt's name from the Jazz Samba personnel, is excerpted on Taylor's CTI Records Web site.

According to Deppenschmidt, Byrd was in fact reluctant to record bossa nova. For a time it became the drummer's pet project to change Byrd's mind. It took him and Betts about six months to win the guitarist over. Betts corroborates this, adding that he lent Orrin Keepnews his bossa nova LPs in an attempt to pique the producer's interest. "[Keepnews] didn't think much of it," Betts says.

Elena Byrd, the wife of Joe Byrd and the attorney for Charlie Byrd's estate, maintains that it was Ginny, Charlie's late wife, who convinced her husband to do a Brazilian record. But Deppenschmidt insists it was he who asked Ginny to aid his cause, and that she too was initially unmoved. When Byrd finally did decide to approach Riverside with the bossa nova idea, the label said no. Byrd prevailed upon Stan Getz, then a Verve artist, to take the idea to Creed Taylor, who said yes. (See "The Phantom Sessions" sidebar.)

Another point of contention is exactly how Stan Getz entered the picture. Charlie Byrd did not know Getz well, although Betts had become friends with the tenor giant during his tenure with Dinah Washington. Remarkably, Deppenschmidt insists that Getz's involvement was also his idea. (He says he recommended Paul Desmond as an alternate choice.) Joe Byrd, for his part, says it was Ginny who suggested that Getz get the call.

Here is where Betts' and Deppenschmidt's memories part ways. According to Deppenschmidt, Getz had never played with Byrd's group until the day of the Jazz Samba session. Betts, on the other hand, remembers Getz sitting in with the band at the Showboat Lounge in D.C., where Byrd and the trio had begun workshopping the bossa nova material. Deppenschmidt is sure that Getz's visit never happened; Betts counters with equal vehemence that it did.

Getz was an idol of Deppenschmidt's, and if he did sit in at the Showboat, the young drummer would not likely have forgotten. It is possible Betts is recalling something that occurred after Deppenschmidt's departure from the band, several months after the recording of Jazz Samba. But Betts seems certain that the Getz dropin took place before the recording session.

BOSSA NOVA WASN'T EXACTLY A BOLT FROM THE BLUE. LATIN music idioms like mambo and rhumba had already gained a foothold in the U.S., and Dizzy Gillespie's Afro-Cuban innovations with Chano Pozo had altered jazz's rhythmic DNA. Carmen Miranda, with her garish fruit-basket crowns, had given mainstream American audiences a taste (some would say a tasteless one) of Brazil. And Latin influences were already apparent in Charlie Byrd's music, well before he and his band boarded the plane in 1961. Rhumbabased tunes like "Taboo" from The Guitar Artistry of Charlie Byrd or "You Stepped Out of a Dream" from At the Village Vanguard make

this clear. (Deppenschmidt played on both of these Riverside discs,

as well as 1962's Blues Sonata.)

As John Litweiler observes, bossa nova arose at "a time of transition in American popular music"—transition, that is, between the fading world of the Gershwins and the ascendancy of rock. Jazz record sales and club attendances were declining, and Getz's career was in a malaise. Bossa nova was a lifeline, but more than that it inspired some of the tenorist's most expressive, melodically ingenious work on record. On Jazz Samba it was "Desafinado," trimmed from 5:49 into a two-minute single, that won Getz his Grammy. (Verve tacked the single onto the end of its 1997 reissue.)

Deppenschmidt is still surprised that the longer take leading off the album was actually used. "After the melody chorus we were supposed to go into a montuno, vamping on one chord," he says. "That was supposed to be the backup for Charlie's guitar solo." What we hear instead is Joe Byrd, on rhythm guitar, continuing with the chord changes to the body of the tune while the band vamps. Charlie has no choice but to solo over a train wreck. Then bass and drums vamp alone for roughly 24 bars, and Getz makes a devastating solo entrance. The montuno feel is solid; the problem is resolved. On the 45-rpm version, Getz plays the 68-bar melody once through; Byrd's thwarted solo is cut, and the track fades abruptly on the montuno figure.

Next is the more upbeat "Samba Dees Days," a Byrd original. The B section borrows directly from "Ring Them Harmonics," a swinging highlight from Byrd's Guitar Artistry LP. "O Pato (The Duck)," a song with a jazzlike melodic contour, comes from João

Dis *Here* Finado?

In performance, Stan Getz used to introduce Antonio Carlos Jobim's "Desafinado" (which he liked to call "Dis Here Finado") as the song that would put all five of his children through college. The 45-rpm version edited from Jazz Samba earned Getz a 1963 Grammy for Best Solo Jazz Performance. But according to Donald Maggin, Getz's biographer, Dizzy Gillespie recorded the song at Monterey in September 1961, six months before Jazz Samba. "Lalo Schifrin, Dizzy's pianist at the time, told me that Dizzy had talked to Artie Shaw, and that Shaw

had advised him not to release the [Monterey] stuff but wait 20 years later when his lip didn't work anymore," Maggin says. "But this was the first ['Desafinado'] in the States. Dizzy had toured Brazil in the summer of '61, and Lalo took him to what was then the 52nd Street of Brazil. Dizzy really studied [Brazilian music] on that trip."

The Gillespie "Desafinado" in question appears on A Musical Safari, which Dizzy kept in the can until 1974. It finally came out on Booman, a label run by the trumpeter's nephew, Boo Frazier. The album has never

been released on CD, although various bootlegs of the same material do exist. A May 1962 version of "Desafinado" (featuring Lalo Schifrin), from the album Dizzy on the French Riviera (Philips), appears on the 1992 Verve anthology Dizzy's Diamonds.

And while we're at it: Herb Ellis, Byrd's friend and fellow guitarist, recorded "One Note Samba" in October 1961 for his Verve LP Softly... But With That Feeling, featuring Victor Feldman, Leroy Vinnegar and Ronnie Zito. Flutist Herbie Mann also cut "One Note Samba" in '61 on Brazil Blues.

Gilberto's repertoire. Baden Powell's "Samba Triste," the first and only minor-key piece, features some of Getz's most ravishing work on the date—hear his tumbling phrases on the tag at 4:20. "Samba de Uma Nota Só (One Note Samba)" finds Joe Byrd bowing a pedal note on double bass. Getz skirts around the main melody but does not play it; his solo chorus beginning at 1:53 defies belief.

The penultimate track, "E Luxo Só," is the first of two songs by Ary Barroso. The drummers' division of labor is especially clear: Bill Reichenbach plays legato eighth notes with brushes, simulating a cabasa; Deppenschmidt taps out the telltale bossa nova rhythm with rim shots. Finally, "Bahia" (or "Baia"), featuring two basses (Byrd bows again in the bridge), is the longest and strangest piece on the album, with a vamp in an ambiguous G7 tonality. The album clocks in at barely over half an hour, not including the added "Desafinado" single.

The recording date was Tuesday, February 13, 1962. Byrd chose the small, acoustically promising Pierce Hall at All Souls Unitarian Church in Washington, D.C. "It looked like a basketball court in there," Deppenschmidt recalls. "It didn't have fixed seating, just folding chairs. It almost gave me the feeling of a junior high school stage, like if you were going to see your kid in a play. There were no baffles on the walls, no glass window. [Recording the album] was like playing a concert to no people. Ed Green was the engineer, and he had done all the recordings I had done with Charlie, with the exception of Blues Sonata." Creed Taylor remembers the technical aspects: "I used a 7 1/2-inch portable Ampex, not even 15 ips. There were two mikes placed on the stage. The church had pretty nice acoustics, good natural reverb. We didn't add much. Not too much would have been available."

The session was done in less than three hours, according to Deppenschmidt (four hours according to Taylor). When it was over, Taylor and Getz caught the first plane they could back to New York. "I took the tape with me and told Stan, 'See you later," Taylor says. "That simple."

Taylor has voiced ambivalence about the music on Jazz Samba. The American rhythm section was too stiff for his taste; the bossa nova feel, in his view, demanded a more behind-the-beat approach.

The Phantom Sessions

A number of sources make cryptic reference to recordings that Stan Getz and Charlie Byrd may have done with a different rhythm section prior to the actual Jazz Samba session. In his Getz biography, Donald L. Maggin writes: "[A] session with New York musicians had to be aborted because they could not master the Brazilian rhythms...." In Nobody Else But Me, Dave Gelly writes: "Getz and Byrd assembled some musicians and tried putting down a few tracks, but they couldn't make it work." In his reissue liners, John Litweiler writes: "They attempted without success to record with a New York rhythm section...."

Creed Taylor brushes all of this aside: "It's absolute nonsense." There were no lost or "aborted" sessions, he insists. But the source for these authors' assertions appears to be Charlie Byrd himself. In Leonard Feather's 1963 Down Beat interview, Byrd says, "We tried to make the album in New York, as you know, with a New York rhythm section, but they just couldn't make it."

There is another account of the lost sessions in Deppenschmidt's press release. The drummer writes that Verve may have given Getz the go-ahead for a bossa nova project on the condition that he record with his own group. At the time, Getz's quartet featured Steve Kuhn on piano, John Neves (now deceased) on bass and Roy Haynes on drums. According to Deppenschmidt, Keter Betts ran into John Neves on the street one

day, and Neves told him, "We just did a record date with your boss [meaning Charlie Byrd] today. It was the second one and we didn't get any usable tracks on either date." Betts has no recollection of this encounter. But at the time, Deppenschmidt drew the following conclusion: "[W]ithout our knowledge, Charlie tried to do the date without Keter and me."

Judging from Byrd's comment in Down Beat, Deppenschmidt would appear to be right.

But Creed Taylor asserts there was never any stipulation that Getz record with his own band. "The closest the executive staff got to [Jazz Samba] was when I told them the title," he says.

Joe Byrd knows nothing about any lost Jazz Samba sessions. Steve Kuhn states categorically that he never recorded with Charlie Byrd and has no knowledge of any lost sessions either. It's quite likely, however, that the date would not have featured a pianist.

As it turns out, Roy Haynes is the only person alive with any recollection of the phantom sessions: "I do remember going in the studio at Rudy Van Gelder's with Stan and Charlie Byrd; I don't know if it was finished. But before the term bossa nova was popular, we were in the studio with Charlie Byrd. That's for sure." Haynes doesn't recall whether Creed Taylor was present.

Rudy Van Gelder's studio diaries list Taylor as the client on October 24 to 26 of 1961, although Van Gelder argues, vehe-

mently, that this reveals nothing about what was recorded—or if anything was recorded. It doesn't even reveal that Taylor was actually there, he added. Taylor remains adamant that he wasn't.

Michel Ruppli's Verve discography lists not two, but three mysterious sessions in the Verve master books. Stan Getz and Charlie Byrd are identified as the recording artists, but the sidemen are unknown (presumably, one of them was Roy Haynes). Jazz historian Phil Schaap compiled the following summary:

- —1961: 3 tunes/no tune names/masters 61vk472, 61vk473, 61vk474 (Ruppli top p.
- -10/25/1961: 3 tunes/JAZZ SAMBA NO. 1;..NO.2;...NO.3/masters 61vk491-493 (Ruppli bottom p. 362)
- -10/26/1961: 3 tunes/JAZZ SAMBA NO. 4;... NO.5;...NO.6/masters 61vk494-496 (Ruppli top p. 363)

Schaap's synopsis: "The Verve 'vk' master series is rife with mysteries and duplications. It is plausible to believe that the less precisely dated session—1961—with the 472 to 474 masters is an earlier listing than either of the October dates, but there is no data to support that conjecture.

"I searched the PolyGram vaults for these lost reels at least three times in the mid-to-late 1980s. I found no trace of them and can't believe that they existed in the Verve [PolyGram/now Universal] holdings. It seems likely they no longer exist."

Of Deppenschmidt's cowbell on "Desafinado," Taylor says: "It was overbearing. But the odd thing about it was it cut through on radio, and it was a hit. You can't argue with a hit."

Far from arguing, Taylor laid plans for a follow-up—in fact, a trilogy featuring Stan Getz with Brazilian musicians. "What *Jazz Samba* really did was reach out to Jobim and the Brazilians," Taylor says. "Having been a significant pop album, it proceeded to cause the exodus of Jobim and friends. They came straight to my office at Verve because they had no music business connections here."

But before the Brazilians became involved, Getz recorded Big Band Bossa Nova, featuring the arrangements of Gary McFarland and the playing of Jim Hall, Hank Jones, Bob Brookmeyer and more. (Brookmeyer recorded Trombone Jazz Samba, also featuring Hall and McFarland, right around the same time.) Then came the Brazilian trilogy, beginning with the incredible Jazz Samba Encore!, a collaboration between Getz and guitarist—composer Luiz Bonfa, featuring Jobim as well as Bonfa's blind girlfriend (and future wife) Maria Toledo on vocals. Jobim and Bonfa had scored the 1959 hit movie Black Orpheus and were being groomed as Verve artists in their own right. (Like its predecessor, Jazz Samba Encore! featured two drummers, and at times two basses or two guitars.)

The next two albums—Getz/Gilberto and Stan Getz With Guest Artist Laurindo Almeida—were recorded in quick succession, but they were held up by Verve for about a year so as not to detract from Jazz Samba's sales. When it finally was released, Getz/Gilberto collected five Grammy Awards (including Album of the Year as well as Record of the Year for "The Girl From Ipanema") and soared to No. 2 on the Billboard pop chart, held at bay only by the Beatles' A Hard Day's Night. Although it still consistently outsells Jazz Samba, Getz/Gilberto was never a No. 1 album.

The Getz/Almeida outing did not perform nearly as well. But Almeida's Third Stream-ish samba-jazz collaborations with West Coast altoist Bud Shank, beginning in 1953 with a pair of 10-inch records issued by Pacific Jazz, had proven remarkably prescient. (The Shank/Almeida sessions have been preserved as a part of a three-volume series called *Brazilliance* on World Pacific. Only the first two volumes have made it to CD.)

It has been said, with some justice, that Jazz Samba Encore! and Getz/Gilberto are superior to Jazz Samba. Dave Gelly writes of Encore!: "Sometimes the guitars, bass and percussion play so sparsely that the structure is eggshell-thin, but the time is absolutely firm and unshakeable. [The music] drives forward with even greater momentum...but with half the expenditure of energy on the part of the rhythm section."

That, incidentally, is the sine qua non of jazz, and it perfectly suited Getz's ability to swing hard at a low volume.

Getz would soon move away from bossa nova. But when he and his new quartet, featuring a young Gary Burton, recorded *Getz Au Go Go* live in the summer of 1964, they were joined by Astrud Gilberto, the wife (by then, former wife) of João, who sang the unforgettable English lyric to "The Girl From Ipanema." Getz also split a Carnegie Hall

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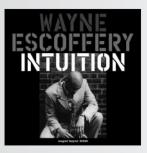
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double bill with João Gilberto in October 1964, resulting in the album *Getz/Gilberto #2* (with Keter Betts featured in Gilberto's band).

Meanwhile, noting the success of *Jazz Samba*, Riverside saw the light and had Charlie Byrd record *Latin Impressions*, *Bossa Nova Pelos Passaros* and *Once More!* (Milestone reissued the first and third of these on the 1996 twofer *Latin Byrd*.)

Byrd continued to mine bossa nova heavily until his death in 1999. But after using Deppenschmidt on *Bossa Nova Pelos Passaros* (1962) and *Once More!* (1963), he gave the drummer his walking papers. Not much later, Byrd hired his brother Joe full-time and let go of Keter Betts, who went on to work with Ella Fitzgerald for 22 years. "Sometimes a bad day can bring a good day the next day," Betts says, adding that his dismissal by Byrd "was the best thing that happened to me. My opportunities in life improved so much, and I was just grateful for that."

Deppenschmidt, by contrast, faded into obscurity after working with Byrd. Now 68, he makes his home in Pennsylvania, where he plays and teaches. He remains a reverent fan of Byrd and Getz, but his issues stemming from those days are clearly unresolved.

In his press release Deppenschmidt even reveals that he turned down a gig offer from Getz about a month after *Jazz Samba* was recorded. Back in New York, Getz had begun to integrate the bossa nova material into his sets and thought the versatile Deppenschmidt would be a good fit, so he called the drummer and invited him to come north. "I was working six nights in D.C. and said, 'I don't think so," wrote Deppenschmidt. "I did try to get a [New York musicians' union] card but I would have had to live in [New York] for six months first or pay \$500, more than a week's paycheck. I was young, didn't realize how much my playing was worth and had a young family to support."

A fork in the road, to say the least. Deppenschmidt is not outwardly regretful, but it is hard to believe he doesn't have a few.

Donald L. Maggin, Getz's biographer, who established contact with Deppenschmidt upon learning of his claims, says: "He could be right. It's very hard to see where the truth lies on all this. Just about everybody else is dead."

Charlie Byrd, for what it's worth, wished Deppenschmidt luck with the lawsuit shortly before he passed. And many years ago, in the aforementioned Leonard Feather interview, Byrd said, "Buddy Deppenschmidt deserves an awful lot of credit for his part in the album; he spent so much time working on getting the exact rhythmic thing down."

This could be the only statement in print ever to acknowledge Deppenschmidt's importance to the project. What the courts have to say is not clear, and Deppenschmidt is not at liberty to speak about details relating specifically to the case. But when future historians treat the subject of *Jazz Samba*, they ought to give the drummer some. **JT**