

An advance extract from the fully revised and updated edition of

LIFTING SHADOWS

THE **AUTHORIZED** BIOGRAPHY OF

DREAM THEATER

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Face The Bitter Fight

With the initial LaBrie demos being passed to Atco's Derek Oliver for his assessment, the band were still confronted with the delicate task of successfully negotiating an exit from the multi-album deal that shackled them to the Mechanic label. Despite attempting every method of extraditing themselves from the contract, Mechanic stubbornly refused all of Derek Simon's endeavours to speed up any departure. It took a certain amount of truth-bending and manipulative spin to finally seal the end of their tenure with the band, as Simon explains.

"Finally, Mechanic claimed to be willing to let us out of the deal but we could never quite get a release agreement out of them," he says. "It was everything from 'Sure, we'll get that to you,' to 'It's on the attorney's desk,' or 'Oh, the attorney had a cigarette on his desk and it caught fire but we'll get it to you' blah, blah, blah! Finally, I had to appeal to Steve Sinclair by saying, 'Look Steve, the band don't have a singer. We have no prospects of getting a singer. I've told them we are going to be out of this deal. It has been nine months and they are going to fire me if I don't get this done!' The agreement didn't appear immediately but it did within thirty days. At that point, by the time I played that card, we knew we had a singer. It was all part of the ploy to escape from Mechanic."

Steve Sinclair: "By the time the band asked to be dropped from Mechanic, MCA had already dropped them. So Dream Theater were still signed to Mechanic and I had to find another label to release them through, which I fully intended to do. So I sat back and waited for them to find another singer, and waited, and waited. They then asked to be released from their contract with Mechanic. Since I intended to find a major label/distributor that would understand and support them this time, and since I loved them so much, I refused to let them go. I was looking for another distributor and they were looking for another vocalist. They were out of commission due to not having a vocalist, so I felt that keeping them signed to Mechanic was not hurting their progress in any way. I wanted to continue to work

with them but they obviously had lost faith in me and Mechanic. After waiting a long time, I think almost two years, for them to find a new vocalist, I finally lost patience. I asked them to find another label to purchase their contract from me and I guess that Derek Shulman had the vision and the intelligence to make them an offer. I don't remember the details of the buy-out, but I recall the price was quite low. I didn't want to hold the band up or delay the progress of their careers. I just wanted to recoup some of what I had spent on them trying to get them to next level – a task which I believed I accomplished despite all the controversy. It seems that the band have unfairly blamed Mechanic for hanging them up but I can assure you that that is not the case. If I had thought that we were delaying their development at all I would have released them immediately.”

Behind the scenes, negotiations with Atco's Derek Oliver led to a tentative agreement that his employers would sign the band once they had recorded a professional demo. The label was headed at that time by Derek Shulman, who had previously signed such acts as Bon Jovi when working at Polygram, and AC/DC and Pantera whilst at Atco. He had also been part of the experimental, progressive and well-respected band, Gentle Giant, who during the seventies were on a creative par with the likes of Yes or King Crimson. Shulman had been interested in Dream Theater after hearing both their debut and the instrumental tracks the band had been working on prior to settling on a singer. This led to a so-called development deal – which effectively meant that the label would fund recordings and decide at a later date whether to fully commit to financing an act.

“I loved the musicianship and when I became aware through both Derek Simon and Derek Oliver that they were available, I was obviously very interested,” recalls Derek Shulman. “But at the time I first became interested, they didn't have a singer. So there wasn't a group per se, although they had some great tracks. So it was odd to be talking about signing an artist based on four songs without any vocals. But eventually we agreed a development deal – and a fairly good one by the way. It wasn't a stiff contract. It was one where they would find the right singer and go into the studio, and then we hoped to finish off the deal.”

Derek Oliver had also already settled on a producer for these official Atco demos, with the intention of using him for the proposed full album later in the year – assuming the sessions proved fruitful.

David Prater (a former drummer with both Nektar and Santana) had enjoyed success a few months earlier by producing albums for the bands Firehouse and Diving For Pearls, and the crisp sound he'd achieved on those recordings had encouraged Oliver to contact him. Even today, Derek Oliver still speaks of Prater's abilities in glowing terms.

"Prater is literally a genius," he enthuses. "I mean he is brilliant and should be making records right now. In my career I have worked with two geniuses. I believe David was one of them, and the other was Tony Visconti who produced T-Rex and David Bowie. He has an incredible mind and having a conversation with him in person is just a trip."

But the process of finalizing the deal was far from straightforward. For a number of weeks, Oliver had harboured silent doubts over whether James LaBrie's voice was the perfect match for the band. Seemingly, his qualms centred on the loose four-track recordings that the band had done with James, and Oliver finally shared his worries with Prater.

"Based on the original demo tapes that they did with James, I didn't think that he was up to snuff," Oliver recalls. "But as I'll explain, I agreed in the end. I was impressed with David Prater at this point because I was really amazed by that record he'd cut with Diving For Pearls. David seemed to be on the up and I had a couple of meetings with him. We went up to rehearsals in Long Island one day together, and he loved the stuff and thought the playing was fantastic, so I decided on using him as producer. David thought that James would pass muster. James has an amazing range but can also be a little flat at times, but David assured me that he was good enough to coach him through that. We agreed this would be fine and that we should go and cut some demos. We struck an arrangement where David would cut three tracks, and then we would try and push ahead to the next stage of signing the band properly."

"Prater came along with the territory with Derek Oliver," explains Mike Portnoy. "We'd decided to bring James into the band in January 1991. James then came back in March 1991 to do some four-track demos of 'Learning To Live' and 'Take The Time', and while he was in town with us, we met with Derek Oliver and he brought David Prater down to rehearsal. We did have our wish list of producers that we wanted to work with [which included Chris

Kimsey (Rolling Stones/Marillion), Terry Brown (Rush) and Neil Kernon (Queensrÿche)], but we were just beginning this relationship with Derek Oliver and he really wanted Prater to work with us. So we kind of got strong-armed into that. But we were excited to just have the ball rolling again, so we were willing to do whatever it took to get the whole process up and running. Prater had just done the Firehouse album which was very successful, and had just gone gold or platinum, so he had a top album at the time and we were easily swayed by that success.”

As we’ll discover later, the working relationship between Prater and the band deteriorated during a number of recording sessions, and even to this day acrimony remains rife on both sides. Consequently, the producer is unrestrained when recalling that initial meeting with the band.

“Derek Oliver asked me to accompany him to Dream Theater’s rehearsal room in Long Island,” he reflects. “Upon arriving, I witnessed an unpleasant exchange between the group and him, whereupon they insisted that he address their desire to know why they weren’t already signed. Derek tap danced around the question and then introduced me as a friend of his. Shortly thereafter he asked them to play a few songs for me and they first played ‘Under A Glass Moon’. Initially I was impressed, but soon grew tired of their ponderous musical ramblings. LaBrie hadn’t been in the group for more than a few days and Derek Oliver hated him as a singer. LaBrie was trying his best to give a good impression, but Derek wasn’t having any of it. We sat down after a few songs and Derek talked to them about working with me. They made it clear that they weren’t interested in working with anyone who might suggest any changes in their music. I turned to Derek and told him it was time to go. I had heard enough. I said to Derek on the way home that first day that these were typical, self-absorbed Long Island rock musicians. Most of the time, guys like these aren’t worth shooting. I told him I wasn’t interested, but a few months later he told me he had signed them and that I had to do the record. He was an up-and-coming A&R guy back then. I figured I’d better get with him and I caved.”

The desire to record such high-quality studio demos may, on the surface, appear an unusual step. Dream Theater weren’t exactly hapless novices who needed to prove themselves. They were a band who had already released a critically well-received debut, and their musical

abilities were beyond reproach. But the so-called Atco demos, which were recorded in May 1991, seemed to have the dual purpose of persuading the label to take the plunge as well as attempting to allay Oliver's worries over LaBrie's voice.

"Those demos almost served as a test run for us," says Mike. "We hadn't yet signed with Atco, and they basically put us in the studio to do that three-song demo. We went to Bear Tracks Studios with Prater along with [engineer] Doug Oberkircher to do the three tracks of 'Metropolis', 'Take The Time' and 'To Live Forever'. I think the main purpose of them was for Derek Oliver to have these proper demos, with James singing on, that he could take to all the head honchos at Atco in order to secure a signing for us. One of the main people who played into that was Derek Shulman, who had been the lead singer with the prog rock band Gentle Giant, but was also the head of Atco during that period. Derek Shulman had signed Bon Jovi and Cinderella, so in the late eighties he had a lot of success as a major label executive. He totally understood the world of progressive rock, and how we could do what we do but possibly crossover into a more commercial world as well."

Ironically, Oliver believes that having Shulman at the helm of the label wasn't as helpful as Portnoy imagines, claiming "Derek Shulman doesn't like to talk about or be reminded of his past in Gentle Giant. So he was kind of wary of finding a progressive rock band at that point. His perception was that he didn't want people to think that he was trying to recreate his youth. So it wasn't easy to get Dream Theater signed, even with Derek in place, though we did in the end."

"No, I certainly wasn't wary," counters Derek Shulman. "If Dream Theater had been a Gentle Giant, Yes, or King Crimson sound-alike then I really wouldn't have liked it. I didn't even consider Dream Theater to be a progressive rock band. I hate labels, and the idea that Gentle Giant had been tagged as a prog rock band was absurd. I just considered that Dream Theater were a really good band who played good music. Had they sounded like Emerson Lake and Palmer, I'd have been much more scared. But they didn't. They just played very good songs in a kind of arranged fashion that wasn't three minutes of verse-chorus-verse-B section- solo- verse-out. And what's wrong with that?"

Viewed in the context of the early nineties, when grunge was

beginning to take hold and popular taste had deemed most heavy rock acts as passé, it was perhaps a bold move for Atco to sign a band as progressive as Dream Theater – a fact that Derek Shulman no doubt considered but remained unfazed by.

“Yeah, it was just at the beginning of the grunge thing,” he says. “But, generally, my decisions aren’t based on what other people are doing. I felt it had to be either marketable or really good. And speaking as someone who signs artists and runs companies, when you see a marketplace going in one direction, you try and run in the other. But this was a band that sounded fantastic and also sounded like they could be commercially viable. They had all the chops down and were willing to do all the work that was needed to be done – like touring – as obviously it was going to be difficult to get them on the radio. So, no, I wasn’t wary about it because it was something that I really liked, and thankfully I had other artists who were selling huge quantities. I was pleased to be signing something that I personally could relate to, and who related to me not only as a record geek but as a musician who had been in a band who had done a similar thing to what they did – just touring and playing very good music.”

While the band were ensconced in the lush, leafy surroundings of Bear Tracks studio in Suffern, New York with Prater recording those demos, an informal approach had been made by Oliver to another singer, Robert Mason, in order to investigate the possibility of him replacing LaBrie. The claim is even more astonishing when you consider the band’s constant desire to control every aspect of Dream Theater’s development, yet the move was apparently made without their knowledge.

“Something I feel has never been acknowledged is that I fought very hard to have LaBrie remain in the group,” insists Prater. “I told Derek Oliver that he wasn’t the one to make the call – I was. I’d produced a band called Adrian Dodz as a development deal with Don Grierson at Epic Records. I finished it just weeks before I started Dream Theater. I played it for Derek Oliver and he said he wanted their singer, Robert Mason, to replace LaBrie. Mason turned it down. He thought he had a brighter future with The Lynch Mob.”

“Robert Mason came into the office and we had a chat,” admits Oliver. “I remember, he was very anti joining the band, which was strange really. He didn’t really have anything else going on, and the other music he was involved in wasn’t in the same position as we had

with Dream Theater, who obviously had a record deal.”

Perhaps what is even more surprising is that Dream Theater’s manager, Derek Simon, was also fully aware of the overtures that Oliver had been making towards Mason, but he had concealed the information from the band. This was probably a shrewd move on his part given the likely resentment and open hostility such a suggestion would have received from Portnoy and Petrucci. The pair had been wary when previous singers, such as Steve Stone, had tried to influence the band’s direction and would hardly have reacted with glee if they had discovered that plans were afoot to potentially substitute their carefully selected vocalist without their consent. That said, Simon does downplay the seriousness of the proposal, claiming “I would recall if it was that big an issue, and it never got a point where it was suggested the record wasn’t going to go ahead if we didn’t make the change.”

Robert Mason: “Honestly, my friend and then Columbia Executive Derek Simon had been introducing me around in an effort to find a band, guitarist, writers and labels for me to join as a vocalist. I’d been given a Dream Theater demo tape by Derek who told me they were looking for a singer. I loved that type of music, but at the time I was probably a bit young and impulsive and wanted to something a little bluesier. That was something that I wanted to make a statement with and I knew that was something which wouldn’t have been encouraged in that band after seeing where they wanted to go.”

“If Mason and Derek Oliver did have that conversation it was never brought to our attention,” insists Mike. “I mean, not only did we never meet the guy, we never even spoke to him. But during that whole period, when you had Oliver, Prater and Jim Pitulski involved, there were so many decisions being made and conversations going on behind our backs, with them having ulterior motives and directions. So there were these powers-that-be having side-conversations with little conspiracies taking place behind closed doors. There really was so much of that kind of crap, so it doesn’t surprise me. I mean, shit like that would *never* happen in this band today. It’s unfathomable to me that people were making decisions for a band without them even being involved. But that was the way it was with us for many years, and it’s the type of shit that breaks up bands.”

“I really didn’t know about that. Who’s Robert Mason?” laughs John Petrucci. “But who knows what the hell else went on. The

stupid thing about it is that it's not like we would say to them 'OK that's cool.' We had just gone through a year and a half trying to find the perfect guy, so we were hardly going to agree to something like that."

Thankfully, such drastic changes weren't needed, and following the completion of the basic tracks at Bear Tracks, the remaining overdubs were carried out in the basement of Prater's apartment in Verona, New Jersey. Much to the displeasure of the band, each member would be called in turn to perform and record their parts individually at the home studio, and although the results were impressive, there was an underlying feeling that this method of recording had destroyed the band's newly fostered camaraderie. But such gripes aside, the three-song demo sounded crisp and achieved the aim of finally securing that record deal with Atco.

"They really were sensational," enthuses Derek Oliver. "For demos, they were amazing and we only spent about two or three thousand dollars on them. Everyone was over the moon about them, so we pushed the button and signed the band properly. At the same point though, Epic Records had heard the demos and made a last-minute bid to steal the band from us, but we already had them under contract anyway."

In addition to Atco's initial outlay and advance, the band's new label also had to pay Mechanic Records compensation for Dream Theater's renegeing on the agreed multi-album deal, although Atco boss Derek Shulman recalls that this was a relatively small amount. "It was almost negligible, was a very easy deal to do and I don't think there was a long time override," he explains. "It was a straight buyout and a few thousand dollars. I don't think it was more than that."

"Basically we had to buy ourselves out of that contract," adds Mike. "Mechanic weren't willing to let us go. As much as they were not willing to get behind us and support us, they had us bound by contract. At the time Atco began to sniff around and show interest, Mechanic started to tighten the chain around us and wanted to hold us back. So when Atco and Derek Oliver were ready to make a firm offer to us, it became apparent that the only way we were going to be able to get out of our contract would be via a buyout that was funded by Atco. The biggest loss for us was that we had to give up our rights to the first album, which meant that neither Atco or ourselves could re-release it down the line. That was a shame but

we had no choice at that point.”

The frustration following the loss of control over any future re-releases of their debut was quickly diminished by the constructive environment that Atco were keen on creating for the band. Both Shulman and Oliver made it plain that they didn't want the band to change their approach to writing in an attempt to gain radio airplay, and during the protracted legal wrangling, Dream Theater were encouraged to work on new material for their proposed next album. It was during this time that fledgling versions of “Another Day”, “Surrounded” and an instrumental track with the odd working title of “Oliver’s Twist” (named, according to Mike Portnoy, in honour of “Derek Oliver’s request to write a few more songs”). The latter would, after the addition of lyrics and a couple of edits, be renamed “Pull Me Under”. With both the band and the label being delighted with these three new tracks, the decision was made that they would replace both “To Live Forever” and “Don’t Look Past Me” – songs that had been knocking around their repertoire for a number of years – on the album’s final track listing. Derek Shulman recalls being especially vocal in ensuring that the band remained true to their musical roots.

“Absolutely, I had been through that experience personally in Gentle Giant,” explains Shulman. “Our music was as far as you could get away from commercial. We had a period in our heyday, when groups like Rush and Kansas came along, we saw these groups going from nowhere to multi-platinum and we were still chugging along selling 100,000 and never breaking through. So on our last couple of records, we decided to try and do what they did, and that was the biggest mistake on a creative, business and fan level that we made. So I could recount from those days and say to this band – who played an interesting but not radio-friendly music – not to sell out. That was especially crucial when they first started out, as that was when they would build their real fan base. I already had bands at Atco, such as AC/DC and Bad Company, who were on the radio, as well as bands that weren't on the radio at all but were breaking in a huge way, such as Pantera. Dream Theater were a band I knew would fit for Atco in terms of the picture I wanted. They were a true artist band, who were going to make it on their musical ability and by touring. I was aware of that, and didn't want them to change or try and write something that was not really them. To try and manipulate them at the

beginning into something they weren't would have been a disaster for them. So I am very glad we didn't shove them or try and bully them. I mean, they probably wouldn't have taken kindly to being bullied anyway, but we didn't even try. I had signed Dream Theater, not to try and create some 'new and improved' Dream Theater."