

# Senza Sordino

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## THE METROPOLITAN OPERA LOCKOUT

### THE SAGA OF AN ORCHESTRA

by Sandor Balint, Metropolitan Opera Orchestra

The 1980 negotiations between the Metropolitan Opera Orchestra and its management produced in incredible plethora of passion, color, spirit, and resolve on the part of the Met Opera Orchestra.

The chiaroscuro in this picture, with its details, could provide *Senza* with articles that would be humorous, frightening, or tearful for years to come. Taking on the largest musical organization in the United States with its Board who represent the super-power and wealth structure of America could be made into an opera of its own. One hardly knows where to begin.

As a start, the Orchestra painstakingly put together an incredible committee. Then the orchestra engaged an incredible attorney, I. Philip Sipser. Between the mutual exchange of resolve, inspiration, dedication, and sheer "hutspah," we all broke through to a whole new world for us, *the four-performance contract*. As in the old television commercial, "They said it couldn't be done" . . . *but we did it!*

Although we began negotiations on January 12, I'll pick up the story 18 fruitless negotiations later. In late August, the

To begin with, Lincoln Center asked the police to tell us they would not tolerate any picketing or demonstrations anywhere within the entire Lincoln Center complex; nor for that matter on the sidewalks surrounding the complex; nor the gutters or streets thereto. But only in Dante Park across the street from the Met.

Not understanding police jargon, we held the first demonstration inside the complex only thirty feet from the Met Opera doors. The 1½ hour demonstration totally frustrated the police as everyone refused to move. Eventually, we drifted to the sidewalk in front of the Met and after orchestra members and Local 802's Lou Russ won hassles with the police, we left token pickets on the hot sidewalks and began our long seige in the cool of Dante Park.

Local 802 brought up Secretary Lou Russ's marvelous sound truck system and we initiated our series of live mini-concerts, speeches, and recorded opera music. Being a Saturday, the police gave us permission to operate the sound truck until a permit could be issued on Monday morning. The next day, however, a police cruiser showed up, asked for me by name, issued me a summons for "operating an illegal sound system" — a criminal arraignment punishable by a \$500 fine or 90 days in jail or both. The police said, nodding to the Opera House, "People from Lincoln Center are complaining about the noise." *The "noise pollution" was a recording of Pavarotti!*

At the court hearing, Susan Martin, a bright young lady from Phil Sipser's law firm, cited so many violations of the Constitution's first amendment guaranteeing the right of free speech plus other legal flaws that the charge was dismissed by the judge in four minutes. Picketers, trumpet fanfares, and every television channel in New York met us as we emerged victorious from the court house. Mel Broiles, first trumpet player of the Met Opera, played the fanfares from the *FIDELIO* overture (which pertains to prisoners who have been freed).

The same Mel had been spending sixteen hours a day making the most ingeniously worded and crafted picket signs one could imagine. Mel made up new signs all along the way to reflect every late development. An example: When Met director Anthony Bliss said to the press, "If not for the Met, they would be selling ice cream in an ice cream parlor," Mel retorted shortly with new picket signs saying, "Coming soon, Tony's Ice Cream Parlor!" And thus it went, with Orchestra morale running high; mini-concerts; Mel's fanfares; sound truck speeches; and picketing.

Anger flares, though, when 1900 employees are laid off by the actions of a 93-man orchestra. In addition, New York's fanatic opera fans often drive themselves to a fevered pitch of emotion over opera — or the lack of it. Whatever, I received three unflattering phone calls in the middle of the night — each one threatening my life. To this day, I keep a fully-loaded double barreled shot gun in our bedroom.

The general public reaction, though, was amazingly sympathetic and during the live mini-concerts and opera recordings,



Photo by Joyce Balint

Picketing in Dante Park. Left to Right — Ivey Bernhardt, Toni Lipton, Patricia Rogers, Gerry Kagan.

orchestra authorized the committee" . . . not to bring back a proposal to the orchestra unless the committee was ready to recommend it." With this weapon in our hands, the Committee rejected a management proposal to sign a pact to return to work and play and talk until December first (with certain preconditions).

Two days later, on September 3rd, we were locked out and the real drama began.

my wife Joyce Balint took many photographs of sometimes thousands of listeners with faces etched with sadness and sympathy.

Media coverage, which had initially concentrated on the Met management and its statements now began to focus in on us. Television crews began to show up on our picket lines — also, the reporters from leading newspapers and wire services. At first, only committee members and myself were sought out by the interviewers. A typical example, though, was a call from Bill Serrins, leading writer for the *New York Times*. He asked if I would set up a meeting with seven or eight members of the Committee for an indepth article on orchestra members. Instead, I had Toni Rapport, violinist, and Scott Brubaker, French Hornist, put together a group of rank and file that ultimately met with Mr. Serrins which produced an indepth article on the Met orchestra and its relations with management that ran more than a full page in the *New York Times*.

While one could always wish for more favorable press, almost all reporters were very sympathetic privately. The *New York Daily News*, a militant anti-labor paper, ran many favorable articles about our struggle and even published a lengthy and brilliantly written article by Toni Rapport and Scott Brubaker. The *New York Times* writers were accurate.

Donal Henahan, in an indepth article in the *Sunday New York Times*, detailed the history of American orchestras and the long struggle to improve our lot. Henahan explained we had come to wrestle with the Met accompanied by the best legal help we could hire, I. Philip Sipser. In a lengthy description of Phil Sipser, Henahan in part described him as "... the Moses who has led the symphony and opera musicians of this country to within sight of the promised land of milk and honey, after their years of wandering in the deserts of short seasons, low pay, and no vacations." AMEN.

I will say this to you ICSOM orchestras, we could never have achieved what we did without the power, persuasion, brilliance, and prestige of I. Philip Sipser and his firm.

Part of this achievement: pay increases bring us (for four performances instead of five) over four years \$575.70; \$624.24; \$677.30; \$734.87 with cost-of-living increase in the last two years of the contract. While many months ago the phrase was used that we would be willing to phase in the four-performances over the life of the contract, after being out eight weeks, in the wee hours of the morning of October 25, we didn't take the four performances in the fourth year, nor the third, nor the second, but socked it to them and got the four performances in the first year of the contract. In addition, anyone asked to play a fifth performance (non-mandatory) will get an additional \$120; \$130; \$142; and \$154 in each year of the contract.

In achieving the four performances, we switched to a variation of a "service" contract, and we will now owe management the first four hours of rehearsal to match along with four performances the twenty hours owed by most symphonies for their base pay.

We were finally able to lower the age of full retirement from 65 to 60 with 30 years of service. In addition, we advanced the year of computation of the payout from 1976 to 1978, an increase in dollars of about 14% or 15%.

For the first time, we achieved a Family Dental Plan starting in the second year of the contract. We made a breakthrough in the Per Diem area. In the past, we received a straight \$44 per diem covering everything, room and meals. Now we will get a separate allowance for the cost of a room plus additional for meals. According to a formula worked out by a sub-committee and management, this coming tour will pay \$44 per day for room and \$26 per day for meals — a total of \$70 — with meals going to \$28; \$30; \$32 in subsequent years and the hotel rate formula to be recomputed every year to allow for rising hotel prices.

Our Supplemental Unemployment Benefit weeks are now

locked in. (Management cannot fill them with work.)

Maximum major medical benefits were increased from \$250,000 to \$1,000,000., and improvements were also made in the disability program. Sub-committees were formed with management to work on problems pertaining to temperature in the pit, doubling, noise, health, and safety. We also received a letter of non-reprisals for every member of the orchestra.

While the details are impressive to us, more, much more was achieved in this negotiation. *Unity*. *Unity* was the anvil on which this sword was struck.

In addition to the oneness of the orchestra and committee, the total and complete support of Local 802 and its Executive Board added immeasurably to our bastion of power. It was not only moral support but also the financial and physical support of Local 802 that contributed to this victory. (Special thanks to Lou Russ, Basis Basile, and Nick Rumalo for the marvelous sound truck and system that was in Dante Park every day of the Lockout.)

Special thanks to Vic Fuentealba and members of the Federation for joining us on the picket line for our opening kickoff demonstration on September 4th.

Many thanks to the more than forty ICSOM orchestras that sent mailgrams and letters to our management supporting us.

Thanks to Mary Ann Archer, flutist, who organized the woodwind players for mini-concerts. Clare Van Norman, first horn, and Mike Morgan, principal bass, organized not only the wonderful Damrosch Park opening night substitute concert, but booked benefits and were close to finalizing a trip to Europe, by the Met Orchestra when we finally settled.

I wish I could thank our Music Director, James Levine, for his support. However, aside from some cryptic references to the four-performance possibility, direct support was not forthcoming.

And more than special thanks to my wife, Joyce, who spent many sleepless nights typing, many summer days copying, folding, stapling, addressing, stamping, and mailing the many newsletters to the orchestra that was part of the glue that held this orchestra together.

This special emotional glue, fashioned during the summer, held fast during the dark days. As an example, in mid October, management mailed out its latest inadequate proposal to the orchestra. The management told the press point blank that the committee did not represent the orchestra and that their latest proposal would be readily accepted if not for the committee. We held an orchestra informational meeting on Friday, October 17 at which time a rank and file petition was handed to the ten-man committee signed by 77 rank and filers fully supporting the actions of the committee. It is generally agreed this meeting, the petition, and the statements from the orchestra broke the management's resolve. After that, serious bargaining began.

Besides unity, the involvement of the younger generation in our orchestra's affairs was more than just a side benefit. To stand up and strive for what one feels is one's justifiable rights came through from young and old alike. At last, at long last, in achieving the four-performance contract, in achieving equality among all our orchestra members we will move into the decade of the 1980's with renewed aspirations, unity, and resolve.

In addition to our wonderful committee, the rank and filers, the young and the more mature alike, during this struggle, exhibited leadership talents which will hopefully provide the font of inspiration that will carry us into the 21st century.

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## CABLE TV; WAVE OF THE FUTURE?

One of the most exciting aspects of the current media interest in the commercial viability of the performing arts is the confidence being displayed by the pay TV industry in the saleability of an arts product. In this light, and reflecting the feeling that performers of symphony, opera and ballet music share in the profits to be made from the exposure of our separate art institutions in this facet of the media, a new and forward looking three year contract has recently been consummated between the A.F. of M. and *Bravo Service*, a subsidiary of *Cablevision*. It seems inevitable that most of the major American orchestras in this country will very soon be participating in this new pay — video activity.

In explanation, *Bravo* is the first cable service devoted exclusively to the performing arts. Its programming will encompass both original and licensed productions in the field of concert music, opera and dance. It will be produced in stereo. Only an adaptor is currently needed to plug in through one's stereo system, but eventually it is predicted by Marc Lustgarten, executive of *Bravo*, that all TVs will be manufactured with stereo sound systems built in; this, according to *Variety*.

Although *Bravo* services its own parent, *Rainbow Network*, which includes *Cablevision*, *Bravo* will also be available to other cable networks. Programs are video tapes of live concerts.

One of the first orchestras to contract with *Bravo* was the Baltimore Symphony Orchestra. Charles Underwood, Baltimore violinist and current ICSOM representative of that orchestra recently wrote;

*"The company worked here in Baltimore on October 15, 16 and 17. Two programs were taped. A camera "rehearsal" is required and provided for in the new agreement. The "rehearsal" for our concert on the 16th was a practice taping of the same program of the day before (this program was performed twice), and the rehearsal for the program on the 17th (which was performed only once), was the actual orchestra rehearsal that morning, at which time the entire program had to be played completely through without interruption.*

*Additional lighting was provided by Cablevision, very discreetly and unobtrusively. The lights were powerful, but the glare was minimal, and I heard no complaints from musicians. I saw no dangerous wires placed carelessly around for people to trip over. The cameramen were very quiet and barely noticeable, and the ones on stage were dressed in white tie and tails, to match the male musicians in the orchestra. I can't speak for the sound quality, but a monitor backstage had the most accurate color I had ever seen. The powerful additional light does create additional heat, but again, discomfort was minimal. If this caused no problem in Baltimore, it should certainly cause no problem for orchestras with air conditioned halls. We look forward to future Cablevision tapings; from our new concert hall now under construction.*

*Cablevision broadcasts will originate at Cablevision studios and be sent via satellite to subscribing cable television stations around the country, and quality will be first class. Also, "pirating" of tapes will be very difficult this way."*

Concerts by the St. Louis and Milwaukee symphonies were also recently taped. Agreements with other American orchestras are currently in the process of being consummated.

Highlights of the contract signed in August are as follows:

It was agreed that no less than 80% of the programs of symphony orchestras produced in the U.S. and Canada shall consist of programs by U.S. and Canadian orchestras.

The agreement is for three years ending August 31, 1983. Payment is two fold, consisting of "up front" money plus a share of the producer's gross receipts. As outlined, musicians will receive \$60, \$67 and \$75 per video tape plus 1%, 1½% and 2% of gross receipts beginning September 1, 1980.

All members of the orchestra will be paid and the producer will contribute 8% of the earnings of persons covered by the agreement into the A.F. of M.-E.P.W.

The producer will be permitted to video or film two performances of the orchestra and to exhibit a program produced for three "uses." A "use" consists of four play dates within a one month period. Upon payment of an additional 50% of base rate, the producer will be entitled to an additional six "uses." For any further "uses," the pay cycle will be repeated beginning with 100% of the base rate for the first three additional "uses."

Charles Underwood writes:

"All in all, cable television seems to be the wave of the future, and structuring the new National Agreement to include a royalty arrangement was a far-sighted move. It would have been terrible to have made the same mistakes which were made with respect to radio tapes many years ago."

Kudoes to Vic and our ICSOM Media Committee for a superior effort.

## DENVER SYMPHONY ALMOST SELF-DESTRUCTS

by Melanie Burrell, Denver Symphony

Although bizarre circumstances such as secret negotiations between the musicians' union president and symphony management lent an air of unreality to portions of the 11½ week lockout, cancellation of the season became a reality on November 2, 1980. To move off dead-center during the fearful days of non-negotiations became the goal of a citizen-audience group that argued that they would do everything in their power to prevent destruction of the orchestra. Pressures mounted:

1. The Governor had taken a positive role in nurturing meetings and had made it clear that he was very unhappy with the lack of results. He had found a donor of \$100,000, however, should there be a settlement.

2. The \$250,000 marathon was cancelled, with bitter words by the radio station involved, blaming the musicians for not wanting a settlement.



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3. The City Council gave away half of the Symphony appropriation (\$100,000) to be used for Denver alley lights. The other half of the appropriation was transferred into the General Fund.

4. State monies were in jeopardy. We knew nothing of the fate of federal funds.

5. The new concert hall in the Denver Center for the Performing Arts announced that it would close its doors on November 30 rather than sustain the cost of maintaining the facility.

6. Editorials in the newspapers started to call for the removal of both negotiating teams.

7. Full page "Silent Symphony" articles related to the backlash of the cancelled season: loss of monies generated by the Symphony (city seat tax; symphony hall revenue; job losses in musicians' union, symphony staff and symphony hall staff).

8. Press and media coverage which initially had faulted the musicians' position gradually changed to give more favorable statements about the musicians.

9. The citizen-audience group rallied 1500 people to a meeting in downtown Denver in mid-November. These people demanded attention, demanded to be heard, demanded answers to their questions, and demanded that a last-ditch effort to negotiate be tried once more. This citizen group won the battle of where pressure could most effectively be applied. They used the press and public pressure, and they gave assurances that the citizen group would continue to exist as a viable instrument to play watchdog over symphony relationships in the future.

*The last-ditch effort to negotiate called for by the citizen group was to become the cooperative venture and hard-bargained session that produced the "impossible" settlement. THEREIN LIES THE PAYMENT for all of the musicians who spent weeks and months fearing that the season was truly lost, and wondering if they may have been party to their own destruction.*

Len Leibowitz, our stalwart counsel, had helped us clarify the issues and our position in relationship to the Symphony Board and management many months earlier. Clearly, the 9½ week lockout in 1977 had not solved problems relating to the way we negotiated. *Though lockouts of the Denver Symphony musicians might become habitual, we feel it is necessary for us to continue to reject proposals until they become bargained packages which reflect our position on issues.* The musicians consistently turned down management proposals during September, October and November 1980 in an effort to emphasize this point.

The announcement of cancellation of the season was the most difficult time for musicians to hold their resolve to withstand the forces that advised us to give-in and accept a final best-proposal. We were surrounded by those who cautioned and cajoled and threatened: "Do not allow the season to be irrevocably cancelled." We felt damned or doomed. Having overcome that major obstacle, it became relatively easy to accept compromises in the current settlement when it became clear that the pressures at work to produce an environment for settlement had actually accomplished that goal.

One cannot sustain the hope and belief for a better way of life by oneself. We were bolstered constantly by ICSOM orchestra phone calls, telegrams, letter and offers of help. *The San Francisco Symphony musicians' massive effort during their tour was an example of support that we shall always point to with pride: their joint press conference, joint brass concert and financial help went far beyond our expectations.* We were stronger for your help. To Len we send our fondest and highest regard. Thanks, Sipser, for your choice of junior partner. The following is a summary of the new contract ratified by a vote of 68-4. The season began December 1st.

1979-80; 38 weeks, 3 vacation, \$327 weekly for 52 weeks, annual salary \$17,004.

Salary	1980-81	1981-82	1982-83
	\$345 plus 10 EMG	\$350 plus \$15 EMG 375 plus \$15 EMG	\$380 plus \$15 EMG 405 plus \$15 EMG

Salary paid for 52 weeks except first year which pays remainder of locked out season (39 weeks).

Annual minimum salary will increase to \$21,190 in the 1982-83 season.

Season increases from 29 weeks to 40 weeks in second year.

Vacation increases from 2 weeks to 5 weeks the second year.

Pension increases in third year to \$500 per month min. age 65/25 yrs. service.

Life insurance increases to \$10,000, and a long term disability plan is added, as well as a dental plan (third year of contract).

## REGIONALS CAUCUS ON PROBLEMS

While they share many of the concerns of orchestras in general, there are areas of concern which are especially relevant to the Regionals. Those orchestras have found that benefit is obviously derived by holding a conference caucus.

A well kept set of notes by Carla Wilson, Oregon Symphony suggested the following. There is a need for Regionals to exchange contracts and information more extensively. There is a special need for orchestra members to make themselves more knowledgeable about pensions and about the Strike Fund. The matter of poor attendance at Musician's Local meetings was discussed. This sad state of affairs exists not only in smaller locals but in Locals generally throughout the country. However, this complacency is not evident in a lack of orchestra personnel alone, but the general membership as well. The Chicago Local #10, for instance, has not had a membership meeting in over three years for lack of a quorum.

A very bitter issue in smaller orchestras is the matter of moving rehearsals from night time to day time, as well as the lack of standardization of rehearsal times. In struggling through such a change, it was suggested that members could seek to be guaranteed one year off without penalty to solve personal problems emanating from dislocations which might arise out of making the change, and as an orchestra's income improves perhaps a two year hiatus without penalty could be attained. Perhaps a target date for a switch from night to day services could be set with some sort of financial compensation guaranteed. There seems to be advantages in speaking to individual members about their goals and plans while urging them to make a great effort to find solutions to their problems in switching from night to day services.

There are obvious problems relating to the inability of members not being able to meet orchestra day rehearsals or concerts as a result of conflicts. Perhaps there is a need to build escape clauses into contracts that would obligate management to seek the release of the musician from his other employer. In the event that this might prove unsuccessful, the musician would be excused from the service missed. Youth concerts seem particularly vulnerable to alternative schedule problems.

One anticipates that the success of the Regional caucus will stimulate an on going dialogue between attending delegates in the months ahead.

## OOM — PAH — PAH

(Reprinted from *Readers' Views, Minneapolis Tribune.*)

I'm writing this to you in defense of the tuba player of the Metropolitan Opera Orchestra — a very sensitive musician. In one stroke of your pen you tarnished his golden tone of achievement — nineteen (19) years as a voice of pillow-like quality at the bottom of the brass choir. I'm referring to your May 22 review of the opera *Carmen*, where you maligned him by writing, "Whoopee John and his polka band" and "the splat and heavy oom-pah-pah of the brass." Now, everyone knows that oom-pah means tuba and oom-pah-pah means very bad tuba. Oh, the cruelty of your words.

The worst part for the tuba player was hearing his colleagues reading aloud the review for everyone in the orchestra to hear: "As untamed as the tubas and trombones —". The tuba is not an animal to be tamed or untamed. The tuba may be very large, but Mr. Wekselblatt always manages to play the tuba with as small a tone as possible. But, in *Carmen*, he achieved the ultimate in softness — *he did not play!*

Bizet, a genius, did not write a part for the tuba. The tuba has never been heard in the opera *Carmen*. So please, the next time you review the opera, *Carmen*, don't say anything bad about the tuba. With only one in each orchestra, the tuba is a true "minority." Be kind. See you next year.

Herbert Wekselblatt, tuba player,  
Metropolitan Opera Orchestra, New York.