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TOWARD A BETTER UNION

At the 1997 ICSOM Conference the delegates resolved to create, in league with the other player conferences, an Investigative Task Force (ITF) to look into ways to fix the persistent problems of the American Federation of Musicians. They also resolved to join with the other player conferences this summer for the first-ever Unity Conference in Las Vegas, Nevada, the largest gathering of rank-and-file AFM members under collective bargaining in the history of the AFM, to discuss the fruits of the ITF's labor.



No one broke the ice (but it did get a little melted) at the Wednesday evening dinner for all Unity Conference participants. (photo: Dennis Molchan, courtesy of RMA)

At the first ICSOM-only session at Unity, ICSOM Chair Robert Levine described the difficulties ICSOM had experienced during the past year in dealing with the AFM. The intention of the Roehl report, which formalized the meetings of the International Executive Board and player conference leadership, was to foster better dialogue among those parties, but that intention was not being met in meetings with the IEB. The lack of money in the AFM has hamstrung operations, notably in the Symphonic Services Division, where a smaller staff must handle continuing and increasing problems in orchestras. Levine acknowledged that ICSOM's criticism of the AFM has ruffled feathers, but he explained that we must raise sensitive issues and tell the truth as we see it as a matter of responsibility to our members.

While the Unity Conference's purpose was to find ways to fix the union from within, ICSOM also explored what can happen when evolution gives way to revolution in union reform. ICSOM hosted guest speaker Martin Foster, contrabassoonist of the Sydney Symphony, who gave us a harrowing description of the secession of Australia's symphony musicians from the tyrannical and intractable Musicians' Union of Australia. While there are structural similarities between the MUA and the AFM, there are also major differences, notably the blatant corruption of the Australian union (for instance, union officials would continue to pay the dues of deceased members to control their votes) and a long history of totally ignoring the needs of the symphonic musicians. The AFM, on the other hand, has been willing to address issues of reform and, despite serious difficulties, honestly seeks to serve its musicians. Mr. Foster made it clear that had the Australian symphony musicians been able to reform their union from within, they would have done so.

ICSOM delegates also had a chance to learn about a part of the Federation that is little-known to most members, the International Representatives. IR Don Shumate described the IR's basic

function—enforcing the AFM Bylaws as they relate to the local's operation. Each local is required by the AFM Bylaws to have an answering machine, an orientation program, a business agent, a business office, to maintain certain hours of operation, to have a service catalog, employment referral, or booking agency, and an approved book-keeping system. Each local must publish a newsletter, an annual financial statement, local bylaws, a roster of members and scales, must pay a wage to officers, be affiliated with a regional conference,

and have at least 3 membership meetings and 3 board meetings per year.

IR Dennis Lynch described a new program just getting underway, using IRs to help train local officers, improve communication among musicians, and increase the visibility of the union with the goal of increasing union membership and involvement. Several locals have been targeted to participate in a pilot program, among them Atlanta, Buffalo, Grand Rapids, Indianapolis, Norfolk, and Sacramento.

Brad Buckley, ICSOM Electronic Media Negotiation Chair, spoke on the upcoming phonograph labor agreement negotiations and brought to the attention of the delegates the requirement that all media language in orchestra contracts must be approved by the Federation before ratification. AFM President Steve Young agreed to take a more active role in ensuring that this requirement is enforced. Brad also described a new business structure for symphony orchestra recording—the orchestra establishing its own recording company as a wholly-owned subsidiary of the orchestra. Brad was

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The ITF Proposals

The Investigative Task Force had one overriding goal: to discover those principles on which a labor union must be built in order truly to be a labor union, and then to apply those principles to our own union in order that the AFM might survive as a labor union into the 21st century.

I. Put Organizing First

PROBLEM: The AFM and its Locals far too often forget that the core mission of a labor union is to organize workers for collective action and collective bargaining, and that other functions and activities—however valuable they may be—must never be at the expense of this core mission.

SOLUTION: Article 2 of the Bylaws should be rewritten to stress the priority of collective bargaining in all of the AFM's dealings with and on behalf of its members.

II. Stop Officers from Acting in a Hiring Role

PROBLEM: In many Locals, officers also work as Contractors, Personnel Managers, or Booking Agents. This clear, inherent conflict of interest has a chilling effect on a member's ability to receive fair and impartial representation.

SOLUTION: Local officers should be prevented from serving in a hiring or contracting capacity except as leaders of regularly organized groups, and that the language of the current restrictions on conflict of interest should be strengthened and clarified.

III. Fund the Union More Fairly

PROBLEM: While no tax or dues structure is ever completely fair to all, the following inequities in the current dues structure of the AFM and some Locals must be addressed:

- Life Members pay reduced membership dues but still receive all membership privileges, which sometimes places political control in the hands of those who are not paying "full freight."
- Many types of work are currently not subject to Federation Work Dues.
- Some Locals not only charge different rates of Work Dues for various types of live engagements, but even charge different work dues for the identical type of work.

SOLUTIONS: New admissions into active *Life Membership* status should cease after the year 2000. Federation Work Dues should be charged on all engagements, allowing for a lower rate than the current one for Symphonic Federation Work Dues, with the saving retained by the Local. Locals should charge the same total Work Dues rate for all categories of live work.

IV. Don't Charge for what Dues Should Cover

PROBLEM: The action of the 1997 Convention allowed the AFM to charge members for the cost of collecting claims, despite the fact that they already pay membership dues and work dues for this service. This violates the fundamental tenets of trade unionism.

SOLUTION: The newly added §12-20(b) of the AFM Bylaws should be repealed.

V. Give Conferences Formal Power

PROBLEM: The AFM's structure currently has no direct representation for rank-and-file membership or for specific geographic areas. Player Conferences and Regional Conferences need formal representation with real authority at the Federation level.

SOLUTION: A Conference Representatives Board—made up of a representative from each official Player Conference plus an equal number of representatives from Regional Conferences—should be established. This Board should have formal authority to approve the AFM's budget and all decisions affecting the EMSD, the SSD, the Travel/Touring Department, and the Organizing & Education Department.

VI. Give Local Officers Training

PROBLEM: Local officers—even the most intelligent and well-intentioned—cannot serve their members to the fullest and run their Locals efficiently if they do not have proper training in fundamental union principles and procedures.

SOLUTION: The AFM should provide annual training sessions for all principal Local officers, who should be required to participate in this training at a Regional Conference (or receive equivalent training) as a condition of continuing in office.

VII. Build the AFM's Future

PROBLEM: The AFM does not actively engage in making its presence and purpose known to future generations.

SOLUTION: A new classification of *Student Member* should be created to involve potential future members in the union at an early age.

VIII. Move AFM Headquarters out of New York

PROBLEM: The expense and operational difficulties inherent in a New York headquarters cannot be justified. The cost of doing business in New York is astronomical and the cost of living in the greater New York area makes obtaining and retaining the best staff unnecessarily difficult. In addition, an international union with branches in seven Time Zones should not be headquartered in the easternmost Time Zone of the United States.

SOLUTION: The main office of the AFM should be moved to a location in the Central or Mountain Time Zone which has a reasonable cost of living and of doing business. This move should take place no later than the expiration of the current lease in New York. A one-time Special Assessment of \$10.00 should be imposed on each Federation member in order to pay for the move.



Each of these issues was accompanied by proposed amendments to the AFM Bylaws that would effect the desired changes. The five player conferences at Unity discussed these proposals in their separate sessions and together in the plenary sessions, and each conference made its own decisions about what legislation to submit to the 1999 AFM Convention. Most of the proposals met with general approval from the conferences, but proposals relating to III, VII, and VIII above posed some difficulties for the delegates. The ITF will reconvene in December to reconcile the various conference positions so that a unified set of proposals can be presented to the AFM Convention next summer.

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instrumental in developing such a subsidiary for the St. Louis Symphony. (This concept will be further explored in a future *Senza*.)

At the first plenary session, AFM President Steve Young addressed the Conference. He stated that trade divisions, dollar-in-dollar-out economics, restructure and new organizational models were not the answer to the AFM's problems. He outlined three fundamental issues: unity, activism, and education. Members who support each other in unity, get actively involved with their union, and educate themselves and potential new members can change the Federation. Young pointed out that the 27 largest locals acting together could pass any legislation before the Convention in a roll call vote, and he urged that delegates to the 1999 AFM Convention be chosen by their locals according to their service to working musicians.

Keynote speaker Ken Paff of the Teamsters For A Democratic Union then described the courageous union democracy movement within the Teamsters that, despite obstacles and setbacks, remains in a class by itself. A report on Paff's speech stands as an article by itself—see "A High Note, Right On Key" on page 5.



ICSOM's Executive Committee: Senza Editor Schweitzer, Secretary Lewis, Treasurer Tretick, and Chairperson Levine (President Angus is obscured by the lectern), with counsel Leibowitz (Photo: Dennis Molchan)

Because the entire AFM International Executive Board was present for the first time at an ICSOM Conference, ICSOM delegates took the opportunity to invite the IEB for a question-and-answer session. There were pointed questions asked about how the IEB would exercise its leadership role to fix the Federation and whether the IEB would support the ITF proposals at the 1999 AFM Convention. There were many more questions from the floor than there were answers from the IEB, recalling to mind Robert Levine's introductory words two days earlier about the difficulty of dialogue with the IEB.

ICSOM then turned its attention to the ITF proposals. Although there was general agreement that most of the proposals would move the Federation in the right direction, many delegates felt that the proposals didn't go nearly far enough to give musicians a voice in

the union or to bring fairness to the issues of dues payment and service. A delegate noted that the ITF proposals, if passed, would increase the relative power of working musicians in the AFM, making possible more substantial changes afterward. But some delegates felt that the proposals had no teeth, one delegate saying, "actions, not statements, make change." President of New York Local 802 and ITF member Bill Moriarity, acknowledging that this was but a small step in a long journey, urged the delegates to be patient and take the long view. When a delegate asked why we are begging for crumbs from the old guard instead of getting rid of the old guard, Moriarity replied, "In 1991 and 1993 the old guard voted against their short-term interest in favor of a greater good. More than half the time more than half the people will do the right thing."

It was decided that it would be hypocritical for ICSOM to propose that contractors may not serve on union boards without also applying the same standard to the ICSOM Governing Board. A resolution was adopted to amend the ICSOM Bylaws to conform to the proposed AFM Bylaws amendment. ICSOM also proposed to amend the ITF proposals to forbid contracting activity by the delegates to the AFM Convention, and in similar fashion amended the ICSOM Bylaws to apply the same rule to ICSOM delegates.

ICSOM delegates had some problem with the dues equity provisions of the ITF report, feeling that universal work dues throughout the Federation would cost more to collect than it would bring in, and resistance to the dues among casual musicians would drive more work underground. The issue of student membership generated an unexpectedly intense debate. There is already a "youth membership" in the AFM Bylaws, and although the ICSOM delegates supported the principle of recruiting new AFM members, they questioned the effectiveness of adding another complicating layer to the membership structure. The ICSOM delegates resolved that the Federation should simply offer to students the one benefit of the proposed student membership, a half-price subscription to the *International Musician*, without calling it a "student membership."

Another suggested proposal was to remove the 20-vote cap per local in the election of Federation officers and the AFM's AFL-CIO delegates. This cap has the effect of greatly reducing the voting power of the large locals with many members relative to the locals with fewer members. In essence it means that, in locals with more than 2000 members, some members are not represented in the election of national officers. While the ICSOM delegates were generally in sympathy with the intent of the motion, as time ran short at the end of the Conference the delegates voted to table this motion indefinitely.

A few minor changes to the other ITF proposals were authorized by the ICSOM delegates, and by the end of the last day, exhaustion took over. "Democracy at its *n*th level is paralysis," said a tired delegate. "At some point we must trust someone." In the resolutions that were then adopted, the delegates decided to trust the ICSOM Governing Board to carry the mandate of the 1998 Conference through the next year to the AFM Convention in 1999. Robert Levine closed the Conference saying, "I loved democracy coming into this week, but I love it all the more now. Only a strong, confident organization can have its arguments openly in front of outsiders." If that be so, then ICSOM, at age 36, is as hale and hardy as ever.

Are We There Yet?

by Marsha Schweitzer
Editor, Senza Sordino

After the Unity Conference, on the plane out of Las Vegas, I had a chance to catch up on my backlog of reading, including the June 29, 1998 issue of *The Nation*, where I happened upon an article titled “We Need A *Radical Left*” by Ellen Willis. It began this way:

Ellen Willis takes up the “First Principles” series by arguing that leftists are successful when they refuse to think in terms of compromise with majority sentiments and stake out radical alternatives that generate their own support by creating social movements in their wake. Willis says the key question is not “how can we win?” but “what do we believe?”

Throughout our discussions at Unity about the Investigative Task Force proposals, we were reminded by the ITF that the aim of their proposals was somewhere between what we really felt needed to be changed in the AFM and what we thought might have a chance of getting passed by the 1999 AFM Convention. When it came to fixing the AFM, “what do we believe?” had taken a severe beating at the hands of “how can we win?” I instantly knew that Ms. Willis’ article would have great relevance to the conference I had just experienced. So I read on:

While I regard economic inequality as a national emergency and a priority on any serious left agenda, I don’t agree that “fairness,” in itself, is a principle that can successfully combat right-wing ideology and mobilize an effective movement for change. Nor do I think the way to build such a movement is to look for issues that “unite” people. By definition, the project of organizing a democratic political movement entails the hope that one’s ideas and beliefs are not merely idiosyncratic but speak to vital human needs, interests and desires, and therefore will be persuasive to many and ultimately most people. But this is a very different matter from deciding to put forward only those ideas presumed (accurately or not) to be compatible with what most people already believe.

No mass left-wing movement has ever been built on a majoritarian strategy. On the contrary, every such movement—socialism, populism, labor, civil rights, feminism, gay rights, ecology—has begun with a visionary minority whose ideas were at first decried as impractical, ridiculous, crazy, dangerous and/or immoral. By definition, the conventional wisdom of the day is widely accepted, continually reiterated and regarded not as ideology but as reality itself. Rebelling against “reality,” even when its limitations are clearly perceived, is always difficult.

With this I remembered the words of Ken Paff, our brilliant—and wonderfully radical—Unity keynote speaker, who described to us a Teamsters for a Democratic Union that was not just about “fairness” or about finding solutions that would “unite” the factions

within the Teamsters, but about revolutionizing the Teamsters, casting out reiterated “reality” and replacing it with a daring, creative, animate idea about a brave new democratic union that, after years of determined struggle, became their new reality. We white-collar professional unionists can learn a lot from truck drivers. Ms. Willis continues:

... My experience as an early women’s liberation activist was dramatic in this regard. At first we were a small and lonely bunch; our claim that heterosexual relations were unequal everywhere from the office to the kitchen to the bedroom was greeted with incredulity, laughter and blunt aspersions on our sexual and emotional balance. . . . Two years later feminist groups were erupting all over the country, and it was not unusual to see women turn up at demonstrations who had once denounced the whole enterprise in the most withering terms. Suppose we had reacted to that first wave of hostility by concluding, “This will never fly—let’s stick to ‘equal pay for equal work?’ ”

It is not necessary, as many leftists imagine, to round up popular support before anything can be done; on the contrary, the actions of a relatively few troublemakers can lead to popular support. . . . When militant minorities also have radical ideas, they capture people’s imaginations by presenting another possible world that appeals to the secret hopes of even the resigned and cynical. They mobilize people by providing the context in which winning small changes is worth the time and effort because it is part of a larger project. . . . The people in power know all this and are quite wary of the potential threat posed by an organized minority; their impulse is to make concessions (albeit as few as they can get away with). As a result, radical movements that articulate a compelling vision have an impact far beyond their core of committed activists.

We have seen in the history of the AFM over the last 40 years the impact on the AFM, and the concessions that were extracted from the IEB and AFM Conventions, by the “organized minority,” the “radical movements that articulate a compelling vision” within the AFM, notably ICSOM and the RMA. But, although our vocal minority is still organized and perhaps stronger than ever, we are not so radical anymore. Our compelling vision has become fuzzy.

The ITF told us that their proposals are just the first step toward fixing the union. Fine, let’s take the first step. But what will we have after we have taken the last step? What will the AFM look like when it is fixed? Where is the inspiring vision of the promised land—our union utopia—that will galvanize us and make us willing to endure the pain necessary to achieve it? Our first step, our last step, and all those in between will be more resolute if we know where we are going, if we have “the context in which winning small changes is worth the time and effort because it is part of a larger project.” Otherwise, as the saying goes, “if you don’t know where you’re going, any road will do.”

Ms. Willis reminded me that before we can be activists we must be visionaries. Activism is a response to, and is relatively as powerful as, its inspiration—the compelling latent image that, by virtue of its inherent rightness, demands realization. Our activism

will ultimately succeed when it derives its energy from positive creative forces rather than from a negative defensive reaction to the union's problems and politics.

The Unity Conference was a success. The inter-conference dialogue begun at Unity among the delegates of the five player conferences was a catalyst for deeper understanding and continuing debate. The work of the ITF, the five conference boards, and the Unity delegates and guests was very good. The proposals that were endorsed at Unity will, if adopted by the AFM Convention, make the AFM better. I heartily support the Unity proposals. I just want to support so much more.

Author E.L. Doctorow, a true artist if ever there was, offered a marvelous definition of art and artist: "the work of independent witness, that often self-destructive willingness to articulate that which many may feel but no one dares to say, the blundering, struggling effort to connect the visible to the invisible, to find the secret meanings of places and things, to release the spirit from the clay—that rude, stubborn, squawking, self-appointed voice singing the unsingable."

At the Unity Conference we did some squawking, and some singing (including an impromptu attempt at the Canadian national anthem by the Americans), but we never tapped into the place in our collective imagination where art resides. Until we can find a vision for our union that transcends the current realities—economic, structural, political—we will be imprisoned by those realities. When we can begin to see the unseeable, then we artistic union activists will finally be able to sing the unsingable.

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A High Note, Right On Key

The defining moment of the Unity Conference was the keynote speech by Ken Paff of the Teamsters for a Democratic Union. The TDU was largely responsible for the recent sweeping reforms in the Teamsters, winning the right of rank-and-file members to popularly elect their national officers, electing Ron Carey to the Presidency of the Teamsters, and using rank-and-file strength to win a major strike against the United Parcel Service last year. Paff told us that the basis of a strong democratic union is rank-and-file involvement and solidarity. "We changed ourselves as much as the union," he said.

Paff offered some powerful advice to us in reforming our union. After telling us about the shady Teamsters pension fund investments that built the casinos in Las Vegas, he explained that, although rampant corruption was a major obstacle in changing the Teamsters, the real problem was not the corruption, but that the union was not doing its job, not serving the members. The TDU was not about individuals, he said, but about principles—principles of unionism and union democracy. But democracy is not just an abstract principle; it is a tool to get the job done, to reform the union.

The Teamsters and the AFM share at least one common problem—the need to adapt to a changing environment. Looking toward greater nationalization of the union is one way that the Teamsters are adapting—national rather than local contracts, non-geographic locals and bargaining units, and breaking down barriers between people in different locales and industries. "Global work needs global negotiating."

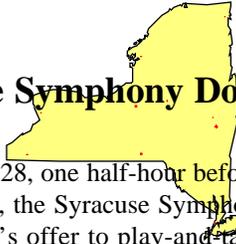
The high point of the Conference for the *Senza Sordino* editor was Mr. Paff's reference to recent *Senza* articles on dissent in the AFM, comparing us to the Nicaraguan freedom fighters—the "Sordinistas!" he said. But lest our ardor overwhelm our prudence, he also warned that the rise of the TDU was "not a sprint, but a marathon. The union got screwed up over time; it will take time to fix it."

Ken Paff is a quiet, unassuming man who started his working life as a truck driver in Cleveland, Ohio. His journey took him from the cab of his truck to the leadership of a rebellion against some of the most dangerous and entrenched power in America. It was raw union strength and courage that spoke from the Unity Conference podium that day in Vegas. Yet Mr. Paff ended his speech with a quiet tribute to the social philosophy of unionism. "A strong labor movement is the antidote to corporate greed and human poverty. We—unions—make a better society."

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5,000 Miles (East to West) of ICSOM Orchestra News

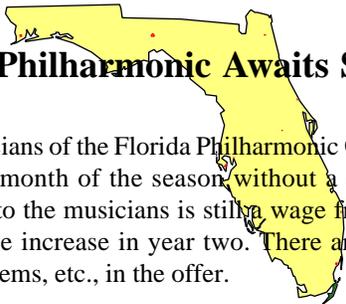
Syracuse Symphony Dodges Bullet



On September 28, one half-hour before the first rehearsal of the 1998/99 season, the Syracuse Symphony musicians voted to reject management's offer to play-and-talk unless management removed cuts from the bargaining table. This vote effectively put the Syracuse Symphony musicians on strike. On September 30 management removed the cuts from the table and presented their "best and final" offer. The orchestra played the opening concerts of the season, then on October 4, voted on the offer, ratifying management's "best and final" offer.

This was the only offer management ever presented that warranted any sort of thoughtful response from the musicians; unfortunately, management insisted it was not negotiable—a "take it or else" situation. It is a three-year contract at 38 weeks and 0%, 2%, and 4% raises, with an additional 2% to begin when a side letter on archival CD production and marketing is accepted. Full-time positions stay at 60, leaving seven positions occupied by subs. Also, there are two other side letters expanding the use of the orchestra for fundraising events and addressing the seven unfilled positions, and the understanding that talks will continue regarding the "noneconomics."

Florida Philharmonic Awaits Showdown



The musicians of the Florida Philharmonic Orchestra are now in the second month of the season without a contract. What is being offered to the musicians is still a wage freeze for year one and a 3% wage increase in year two. There are no increases in pension, per diems, etc., in the offer.

In an attempt to brighten this dismal package, management agreed to a couple of noneconomic items and introduced profit-sharing. In the second year of the contract, the musicians would share any money raised over the \$10.8 million annual budget, up to 2% of their salaries. The musicians told management they were not interested in profit-sharing.

Making this all the more difficult is a situation in which the New World Symphony (NWS), a non-union "training" orchestra in Miami, allegedly violated the fence agreement it negotiated with the AFM and took work away from the Florida Philharmonic Orchestra (FPO) musicians. [The fence agreement is a set of rules agreed to by the New World Symphony that are intended to

prevent the non-union "student" musicians from encroaching into work areas that professional musicians depend upon for their living.] NWS musicians reportedly did a recording that was originally offered to the FPO musicians by the Florida Grand Opera. When the FPO musicians had refused to do the Opera's recording under terms that were contrary to the national AFM media agreements, the Opera turned to the NWS for non-union labor, which, it is claimed, the NWS provided.

The orchestra has taken a strike authorization vote, but the musicians are all hoping management will come back to the table with something that will avoid a work stoppage. Musicians are continually meeting with politicians and preparing for a large media blitz. It is, of course, hoped that things will be resolved soon; however, there seems to be very little interest from management's side to bring anything back to the table. The FPO is still in an executive director search; the musicians' participation in that search has gone from minimal to nonexistent. The orchestra is staying optimistic that a settlement will be forthcoming while at the same time preparing for the worst.

Louisville Orchestra Continues On Track



The new agreement that the musicians of the Louisville Orchestra recently ratified is a natural outgrowth of the strengths and knowledge gained during their five years of struggles against downsizing. (See the "Rhapsody In Bluegrass" series, *Senza Sordino* May 1997–January 1998.) In fighting back an attempt to cut the number of full-time musicians from 70 to 45, the musicians combined an in-depth study of the orchestra's economic structure and marketing with a sophisticated public education strategy to short-circuit the management's plan, then cooperated with a new management team to begin rebuilding a financial base that would support the reconstruction of the orchestra and the musicians' salary scale.

The new contract is a manifestation of that process, in which the musicians built an independent and informed team that had the power and the knowledge to participate fully in management decisions that affected them. The musicians felt that entering these negotiations they had four strengths which they had never possessed in previous contract talks:

PARTICIPATION: The musicians showed determination and independence during the previous negotiations. This pressure resulted in the musicians' involvement in a series of management studies, which gave them tremendous insight into the organization's financial structure, and eventually helped effect the appointment of a new board president. The new board president initiated the restructuring of the board which in turn began implementing decisions which are revitalizing the institution.

KNOWLEDGE: During the negotiations the musicians were able to engage in dialogue with the board regarding how much money could be prudently devoted to their salaries. Drawing upon the comprehensive knowledge of the Orchestra's operations and finances the musicians had developed, they made informed

projections about marketing revenues for the coming season and offered detailed plans for new fundraising initiatives and income that could be added to the bottom line.

RELATIONSHIPS: The working relationships that the musicians developed with board members during the management studies paid off. The musicians were able to informally communicate their goals in a relatively placid atmosphere which prevailed through a majority of the negotiations. These good working relationships also contributed to some last-minute communication that averted more serious troubles.

ORGANIZATION: The organizational skills which the musicians' committee had developed during its struggles proved invaluable in the crunch. By integrating the resources of their consultants into their own knowledge of the institution, the musicians were able to keep the negotiations on track even while the board was wrestling with a changeover in the executive director's position.

The significant salary increases after five years of concessions signal a major reversal in the Louisville Orchestra's decline. The number of weeks, which had fallen from 45 to 40 per season, has started a slow climb back with 41 guaranteed in each season. And the musicians' negotiating committee fought hard for the symbolically important \$30,000 base pay in the contract's final year, which represents approximately a 21% increase over the old contract.

The most hopeful and innovative sign of the settlement lies in the acceptance by both the musicians and the Society of a "Musician-Board Alliance." To create a comfortable financial cushion for the next set of contract negotiations, the "MBA" contractually commits the management to four major fundraising initiatives.

The community resources necessary to sustain a symphony orchestra are not merely financial. What could and can be done with the financial resources available are not necessarily what the management has the collective will and courage to do, so the task of musicians often is to provide the intangible elements of motivation and desire to fulfill the institution's mission. Vigilance and work must be extended beyond the satisfaction of a signed contract. The musicians have many challenges before them, but because the LO board and musicians have heeded the wake-up call to reality, the collision course of the past has been averted. Both the board and musicians want the orchestra enough to have found a new way of doing business. And, in so doing, may have found another way for other hard-pressed orchestral musicians to seize control of their fates and take the difficult first steps to restoring the integrity of their orchestras.

Reborn Alabama Symphony Rejoins ICSOM

At the 1998 ICSOM/Unity Conference, ICSOM delegates had the pleasure of again electing to ICSOM membership the Alabama Symphony, absent from our ranks for several years due to bankruptcy. (See Senza Sordino, March 1997.) The determined efforts

of Alabama musicians, their union, and an enlightened community brought the orchestra back, and David Pandolfi, Alabama ICSOM Delegate and President of Birmingham Local 256-733, offers this account of their remarkable success. -Ed.

On January 7, 1993 the Alabama Symphony Association cancelled the remainder of the 1992-93 season. Bankruptcy proceedings were initiated almost immediately. The decision of the court allowing the ASO to declare Chapter 11 in order to obtain relief from the obligation of the CBA was appealed and won on September 30, 1996. To quote from the court: "The decision of the Bankruptcy Court granting the debtor's application to reject the collective bargaining agreement with the Birmingham Musicians Protective Association is reversed and vacated." The musicians were granted super priority claim status and received payments from the liquidation of the assets of the Alabama Symphony Association.

Preliminary talks with a small group of symphony volunteers began in late 1993. These discussions were primarily about the hard assets (music library, instruments, stands, chairs, etc.) of the Alabama Symphony Association. With support from the former ASO players, the volunteers purchased the hard assets from the court in the hope that any new symphony organization would have use of them. Further talks centered around an endowment which would help satisfy the need for the financial stability of any new organization. The sum of ten million dollars was recommended and agreed upon as the starting point in an endowment drive, with an additional sum of five million to be raised for operating expenses.

Serious talks with board members of a new symphony association began in 1996. A letter of recognition was signed by the new symphony association, making Local 256-733 of Birmingham the sole bargaining agent for the musicians. The contract of the former ASO was used as a model in order to retain the twenty-five years of improvements in working conditions that it contained. From the 68 members of the bankrupt ASO, 34 expressed interest in returning. Of the 34, only 31 were able to be accommodated due to the instrumentation requirements of a smaller orchestra. A 2-year contract was signed in June of 1997 which included 48 full-time musicians with a second-year minimum salary of \$21,012 for 34 weeks.

The ASO is performing most of its concerts in a new 1300-seat concert hall on the campus of the University of Alabama at Birmingham. After completing a successful inaugural season in the black, management offered the musicians an additional week of paid vacation in the second year of the contract, which was accepted.

Pledges for the endowment are up to \$11.6 million with a new goal of \$15 million. The current balance in the endowment account is \$5.8 million.

The musicians of the Alabama Symphony Orchestra would like to thank ICSOM and its members for their financial and moral support during the shutdown.

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(continued from page 7)

San Antonio Symphony Ends Lock Out Under Threat Of Bankruptcy

On September 30, the Symphony Society of San Antonio and its locked-out musicians ratified a new three-year collective bargaining agreement and opened their 60th anniversary season. The administrative staff, laid off a few days before the settlement, will also return to work.

A \$5 million rescue package put together by local businesses and the Kronkosky Charitable Foundation is expected to eliminate the orchestra's \$2.1 million debt, build a cash reserve, and add \$2.5 million over five years to the symphony's endowment fund (to be matched by another \$2.5 million in public contributions)—contingent, however, on the symphony's operating within a balanced budget and escrowing advance ticket sales. "What the symphony has accomplished is a five-year plan for permanent financial stability for this orchestra," said Charlie Lutz, symphony board chairman.

When contract talks deadlocked in mid-September, a mediation team of Fred Zenone, cellist with the National Symphony, and Nick Webster, former executive director of the New York Philharmonic, successfully brokered a deal. The musicians accepted a two-year wage freeze at last season's base minimum salary of \$732 a week, rising to \$800 a week in the third year of the agreement. The size of the orchestra remains at 77 musicians. The current season will be shortened by four weeks—the three already lost plus one unpaid vacation week next March—but the last two years of the contract will return to 39 weeks. Pension is frozen at 6% for two years, increased to 7% in the third year. There is a new, reorganized board of 15, including some of the new stakeholders in the orchestra and 3 musician reps. Jean Robinson, orchestra committee chair, said the musicians voted overwhelmingly to accept the agreement. Otherwise, "we were facing bankruptcy, as I understand it," she said.

San Diego Symphony Is Back!

Things looked bleak in May 1996 when the San Diego Symphony board declared Chapter 7 bankruptcy, put the musicians out of work, and left California's second-largest city without an orchestra. (See *Senza Sordino*, October 1996 and March 1997.)

Due to the dogged persistence of the San Diego musicians and their allies, that dark picture is now looking brighter. In January 1997 the Chapter 7 bankruptcy was converted to a Chapter 11 reorganization, stopping the sale of the symphony's assets, notably Copley Symphony Hall and the music library. The symphony board was reorganized, and on June 15, 1998 the bankruptcy court confirmed the musician-drafted reorganization plan, putting the orchestra back in business and providing a monetary settlement to the symphony's past creditors, including the musicians. Musicians received full payment only for their priority wage claims (for wages earned within ninety days of the bankruptcy filing, but capped at a maximum of \$4,000). Along with other unsecured creditors, they will receive only

about three cents on the dollar for the substantial remainder of their claims.

But now the past is past, the slate has been wiped clean, and for the city of San Diego and its orchestra, the future is here. The San Diego Symphony resumed concerts on July 23, 1998, beginning a well-received summer season of eight weeks, held on a downtown waterfront pier, a new location made available by the U.S. Navy. The new winter season, which begins October 9 with subscription concerts, will also include pops concerts, silent movies, a new "LightBulb" series, and a newly redesigned educational program.

None of this could have happened without Larry Robinson, whose \$2 million gift and steadfast support were the centerpiece of the reorganization plan. Also invaluable were the *pro bono* legal services, totalling more than \$250,000, of Theodore Graham and Jeffrey Garfinkle of Brobeck, Phlagar and Harrison LLP, who deftly put together the pieces necessary for the resumption of the symphony and guided the bankruptcy reorganization plan through the courts.

Labor Puts Honolulu Symphony Fund Drive Over the Top

A gift of \$50,000 from Unity House, Inc., a service organization of the Hawaii Teamsters and Hawaii Hotel Workers (H.E.R.E.), capped the Honolulu Symphony's recent \$1 million fund drive, allowing the symphony to eradicate its past debt and enter the 1998-99 season in the black.

Unity House is a private, nonprofit labor support organization whose mission is to support, protect, and improve the quality of life for Hawaii's workers. It provides monthly child care grants, scholarships, housing assistance, a retirees' center, and other help for the workers of Hawaii. This gift by Unity House to the Honolulu Symphony affirms the symphony's role as a valuable cultural resource for the entire community. Unity House President Tony Rutledge said, "Not only is the Honolulu Symphony an important cultural treasure, it is the source of employment for many talented unionized musicians who can now remain in Hawaii."

There was a special labor motivation for the Unity House gift. Last May, the symphony began approaching the Musicians Association of Hawaii Local 677 about possibly needing to reopen their collective bargaining agreement to make next season's budget balance. The symphony had identified about \$50,000 in cuts they "might have to make" unless other revenues could be found. The Unity House gift provided those revenues, on the condition that the symphony's agreement with the musicians would be honored.

HSO Executive Director Michael Tiknis announced from the stage of the orchestra's season-opening concert on September 12, "I can't think of any orchestra in the country that has received this kind of support from the Teamsters."

The preceding orchestra reports were prepared with the help of the ICSOM delegate and/or orchestra committee of the respective orchestras. -Ed.

1998 ICSOM Conference Resolutions

Whereas, The International Conference of Symphony and Opera Musicians (ICSOM) has always been rooted in the concept of self-determination for symphony musicians; and

Whereas, The Symphony Musicians of Australia have been engaged in a struggle to gain self-determination; and

Whereas, That struggle has demonstrated to the musicians of Australia and the orchestral world the power of unity; therefore, be it

Resolved, That the delegates to the 1998 ICSOM Conference express their heartfelt admiration to Martin Foster and his colleagues in the Symphony Orchestra Musicians of Australia for their tenacity and courage in their fight for self-determination and union democracy.



Be it Resolved, That Article III, Section 2.(f), of the ICSOM Bylaws be amended to read as follows:

Foreign orchestras or conferences of foreign orchestras may apply for and be granted Associate status with the consent and approval of delegates to the annual ICSOM Conference. Terms and conditions for such status shall be established by the Governing Board.



Whereas, There is an inherent conflict of interest when employers serve as union officers; and

Whereas, Basic trade unionism precludes such dual roles; therefore, be it **Resolved**, That a new section be added to Article IV of the ICSOM Bylaws as follows:

No officer or Member at Large of the Governing board shall (1) serve in the position of a Personnel Manager or Contractor for an employer; (2) work in any position where s/he receives any remuneration from contracting or booking musical units (other than regularly organized one of which s/he is a leader or member).



Whereas, There is an inherent conflict of interest when employers serve as union officers; and

Whereas, Basic trade unionism precludes such dual roles; therefore, be it **Resolved**, That a new section be added to Article IV of the ICSOM Bylaws as follows:

No ICSOM delegate shall (1) serve in the position of a Personnel Manager or Contractor for an employer; (2) work in any position where s/he receives any remuneration from contracting or booking musical units (other than regularly organized one of which s/he is a leader or member).



Be it Resolved, That the ICSOM Chairperson be authorized to make any necessary changes in all resolutions having to do with the Final Report of the Investigative Task Force that were approved by the 1998 ICSOM Conference, with the object and intention of having the five Player Conferences agree to submit identical legislation to the 1999 AFM Convention regarding the substance of the Final Report. Any such changes must be approved by the ICSOM Governing Board.



Be it Resolved, That the 1998 ICSOM Conference directs the ICSOM Chairperson to submit legislation to the 1999 AFM Convention that will prevent any repetition of the injustice that was done to the musicians of the Symphony Nova Scotia by their Local in raising their work dues in an undemocratic and inequitable manner.



Whereas, Under the AFM Bylaws the only duly constituted legislative body is the AFM biennial Convention; and

Whereas, The only way to ensure that the interests of any group of members, including those represented by the Player Conferences, are advanced and enacted is for those members to elect delegates to the Convention who understand and share those interests; therefore, be it

Resolved, That all ICSOM delegates are urged either to run for or seek other similarly interested members to run for delegate to the 1999 AFM Biennial Convention.



Whereas, Once again this year there are a number of major orchestras in North America which are facing bargaining crises; and

Whereas, These orchestras are facing potential work stoppages; and

Whereas, Some of these work stoppages could prove disastrous to these orchestras; and

Whereas, In the spirit of trade unionism, solidarity, and collegiality, the AFM Player Conferences wish to support and encourage the musicians of these orchestras; therefore, be it

Resolved, That ICSOM express its support and encouragement to the musicians of the orchestras of San Antonio, Montreal, Kennedy Center, National Arts Centre, and the Florida Philharmonic, and further urge their managements to bargain in good faith and seek a reasonable way and means to solve their fiscal problems other than on the back of the musicians.



Whereas, The use of Electronic Media Guarantees (EMG) has been grossly abused by symphony managers; and

Whereas, EMGs are intended to be an addition to any compensation due for live services; therefore be it

Resolved, That the 1998 ICSOM Conference urges the member orchestras of ICSOM to adopt the following policy regarding Electronic Media Guarantees: 1) Work to satisfy the EMG must be done within the contracted season length; 2) EMGs shall not be negotiated to reduce previously contracted weeks of service; 3) EMGs shall be utilized for work of a symphonic nature, not for commercial work such as jingles, theatrical motion pictures, etc.; 4) Orchestras shall not redirect any part of previously negotiated scale wages into EMGs.



Whereas, The *International Musician* already has nonmember and member subscription rates; and

Whereas, Increased access to union periodicals will help educate future members and supporters of the AFM; therefore, be it

Resolved, That the 1998 ICSOM Conference urge that the IEB establish a student subscription rate for the *International Musician*, to be published in the paper with the present subscription rates.



Whereas, It has come to the attention of the International Conference of Symphony and Opera Musicians that the Nevada Symphony (NSO) musicians have been locked out; and

Whereas, The major issue is the tenure of existing long-standing members of the orchestra; and

Whereas, Tenure is standard in the symphonic industry; and

Whereas, The management of the Nevada Symphony seems to be unaware that tenure for NSO musicians is well deserved; therefore, be it

Resolved, That the 1998 ICSOM Conference go on record as giving its full support to the musicians of the Nevada Symphony and urge the Nevada Symphony management to grant tenure for the existing members of the orchestra immediately.



Whereas, The Delegates to the 1998 ICSOM Conference have spent a great deal of time and energy discussing the ITF proposals; and

Whereas, The strategy of how to accomplish the passage of these proposals is crucial to the success of the ITF proposals; therefore, be it

Resolved, That the ICSOM Governing Board will formulate a plan to instruct the Delegates on the appropriate specific strategies that must be carried out over the course of the coming year.



Just before the beginning of the last session of the Unity Conference, at which the ICSOM Chair ruled that new business/ motions could be considered, a very impressive delegate whose name escapes me now came to me with a proposal for a new motion which I'd already written out and cleared with the New York delegation and the President of Local 802. He therefore deferred the making of that motion to me.

That motion relates to a section of the AFM Bylaws which reads:

"For election of Officers and Delegates to the AFL/CIO Convention, each Local shall be entitled to one vote for each 100 members of or major fraction thereof. But no Local shall be entitled to more than 20 votes."

My motion involved removing that cap which, in the case of Local 802, actually succeeds in disenfranchising 8800 members of our Local. I felt that this motion was so appropriate that no problems about its adoption would occur. I was wrong. A motion to "table this motion indefinitely" came from someone on the floor. When I got up to ask why this tabling motion was made, I was informed that the capping feature of the AFM bylaw pertained to the AFL/CIO Convention.

Indeed, in rereading that bylaw, I found it to be very badly written, since it should state:

"Officers of the AFM and Delegates to the AFL/CIO Convention," and not "Officers and Delegates to the AFL/CIO Convention."

I felt that something was wrong with interpretation of this AFM bylaw as represented by the maker of the tabling motion and the ICSOM Chair. The next morning I got in touch with the Local 802 President who once more assured me that this matter indeed pertained to "Officers of the AFM" and not just to the AFL/CIO Convention.

I immediately called ICSOM Chair Robert Levine, and he, too, told me that he was aware that the AFM bylaw did pertain to "Officers of the AFM." That statement put the whole procedure taken in regard to this motion into a state that defied normal rules of credibility. The only way I've been able to put this matter into some type of credible perspective was to realize that the chair of ICSOM in particular did a mind boggling and extremely competent job during these 4 or 5 days of Conference and that this could be an explainable mistake when viewed in context to the hour and exhaustion of all and the Chair in particular.

"Untabing" this motion at this time may well be impossible, impractical or both. Recriminations about what happened are

probably a waste of time. This issue however is one which I feel cannot be forgotten. It should be pursued at Local levels, and a coalition of Locals should be formed to see that it is brought forth and passed at the very next AFM Convention along with any other program that would make the AFM a good deal more accountable to the rank-and-file of this Federation.

One of the AFM Executive Board members was told that his "constituency" was the rank-and-file of the AFM. He disagreed. He stated that his constituency was the "delegates to the AFM Convention," and he may have been right. We must ensure that those delegates represent all members of their Local and not just the first 2000.

Newton Mansfield
New York Philharmonic ICSOM Delegate

Robert Levine replies: *I agree with Mr. Mansfield on two points: that the AFM Bylaws disenfranchise the members of large locals in the election of AFM officers, and that the current AFM bylaw regarding the issue is less than crystal-clear.*

But as ICSOM chair, I am bound by ICSOM Bylaws to run our meetings according to accepted parliamentary procedure. A motion to table Mr. Mansfield's motion was made from the floor and seconded. Such a motion to table was legitimate at that point in the proceedings and was not subject to discussion, according to parliamentary practice.

It may well be that the lack of clarity in the AFM bylaw led the Conference to conclude that changing it required a fuller discussion than time and energy allowed at that point in a very long day. Certainly the action taken by the Conference was not a rejection of Mr. Mansfield's motion, nor the concept it embodied.



After a twenty-year hiatus I returned to an ICSOM Conference. It was quite an experience in so many ways.

It was noted that many of the "militants" were either violists or bassoonists of some kind. I might respectfully suggest that a study be made as to why this is so. The renewing of friendships with the likes of Jim Clute, Charlie Schlueter and Brad Buckley; the meeting of people about whom I have been hearing from our well-respected and outstanding delegate, Jay Blumenthal, made for an exceptionally interesting and enjoyable time.

I was impressed with the manner in which Robert Levine chaired the meetings. His calm and self-control were key factors in keeping confrontations to a minimum. Whenever a question of legality arose, Lennie Leibowitz gave us clear and direct statements as to what we can do and what is not acceptable.

I am appreciative of the efforts of the ITF and their recommendations. I did not agree with some of their guidelines, and was made somewhat irritable by the paternal statements of one of the members insofar as a proper place to raise children was concerned.

"Voicings" graphic design and concept by Michael Gorman and Norman Foster (bass and clarinet, respectively, of the Honolulu Symphony)

Insofar as the Symphonic Services Division of the Federation is concerned, they do excellent work. Still, I must admit that the Federation as a whole did not seem prepared to discuss the current and past problems that exist and did not present any concrete thoughts as to how to deal with these problems. It is in their and our best interests, which should be the same, to take concrete steps to get their house in order.

I felt a sense of pride in being connected with Local 802, notwithstanding the continuing and ongoing “differences” with some members of our Local 802 Executive Board. Our president, Bill Moriarity, spoke and acted in a manner that one should expect from the leading official of a major union. The members of the Conference are aware of the positive actions and forward-looking decisions of our local. This pleases me.

I can quite candidly say that there seemed to be a difference in “vibes” between many ICSOM delegates and our Canadian colleagues and ROPA delegates. Dare I say that our group seemed more “mature,” but the younger groups reminded me of the ICSOM I fondly remembered from twenty years ago. I liked the spirit of our colleagues and was thrilled to have us all together. We should do it more often.

Finally, I had a wonderful and rejuvenating time. Twenty years ago I said that I would love to have an orchestra made up of ICSOM delegates. I now expand that to include ROPA, OCSM, TMA and RMA delegates as well. I thank the Conference for allowing me to speak so freely. I wish for all of us continued growth and ever increasing involvement and leadership in all areas of our profession.

*Laurance W. Fader
New York City Ballet Orchestra*



The five AFM player conference leaders: Dennis Dreith, RMA; Robert Levine, ICSOM; Bev Spotton, OCSM; Andrew Brandt, ROPA; and Gordon Messick, TMA (photo: Dennis Molchan)

The Five AFM Player Conferences:
International Conference of Symphony and Opera Musicians (ICSOM)
Organization of Canadian Symphony Musicians (OCSM)
Regional Orchestra Players Association (ROPA)
Recording Musicians Association (RMA)
Theatre Musicians Association (TMA)

One acronym that seemed to come up repeatedly in the Unity Conference “alphabet soup” was **DIDO**, meaning Dollar In, Dollar Out. As the Unity Conference progressed, several Conference participants couldn’t help but create some of their own new and novel shorthand:

LILO - Liquid In, Liquid Out (Artie Storch, editor of TMA’s *Pit Bulletin*, coined this one when the session seemed to be going very long without a break.)

DILDO - Dollars In, Less Dollars Out

FIDO - Screw It! Dollars Out

DODO - Dollars Out, Dollars Out

WINO - Welfare In, Nothing Out

EL NIÑO - Everyone Loses—Nothing In, Nothing Out



Robert Levine and Steve Young share a happy moment of “Liquid In.” (photo: Dennis Molchan)

**The distribution center
of the ICSOM CD-ROM has moved . . .**

. . . to Pittsburgh. Treasurer Stephanie Tretick has taken over production of the ICSOM CD-ROM. Each ICSOM delegate received a current CD at the Conference in August. Orders for additional copies will be accepted from ICSOM musicians, \$10 per disc, payable to ICSOM and mailed to Stephanie at 3979 Boulevard Drive, Pittsburgh PA 15217.

Newslets

Artistic license and the First Amendment: The U.S. Supreme Court recently upheld a contested 1990 law under which the National Endowment for the Arts was charged to take "standards of decency" into consideration when awarding grants to artists. Arthur C. Danto writes in *The Nation*, July 1998 issue, "... history casts a shadow over the 8-to-1 majority claim by Justice Sandra Day O'Connor that the recent ruling is in effect toothless, for it does not constitute a 'realistic danger that ... it will compromise First Amendment values.' If, however, O'Connor continued, the endowment were 'to leverage its power to award subsidies on the basis of subjective criteria into a penalty on the basis of disfavored viewpoints, then we would confront a different case.' But we already confront that case. . . .

"This is a consequentialist footnote to Justice David Souter's lone dissent, his ringing observation that 'viewpoint discrimination in the exercise of public authority over expressive activity is unconstitutional.' The ruling precisely subverts the Court's mandate to uphold the First Amendment, by withholding from artistic discourse a kind of work substantial enough to occupy the Court's time. Any art that raises a question as to freedom of speech is already protected by the First Amendment. To pretend that it is not is to register a disregard for art as a vehicle for moral and political discussion. The ruling is toothless only because the Justices regard art itself as toothless. What its members require is a crash course in remedial art criticism."

All current ICSOM officers were reelected at this year's Conference: Robert Levine, Chair; David Angus, President; Lucinda-Lewis, Secretary; Stephanie Tretick, Treasurer; Marsha Schweitzer, Editor, *Senza Sordino*.

A new health and medicine TV series, *Health Diary*, will air this fall on public television stations around the country. One program in the series will feature musicians' health and **Minnesota Orchestra cellist Janet Horvath**. This program is scheduled to air in December; check your local listings for the exact date and time, or call your local public television station and refer to program #114. *Health Diary* is a production of Twin Cities Public Television (KTCA Channel 2).

At the Unity Conference over \$800 was raised to support the Teamsters For A Democratic Union Legal Education Fund and TEMPO, the AFM's political support organization.

As *Senza Sordino* went to press, the **Montreal Symphony**, an OCSM orchestra, was on strike, and the **Harrisburg (PA) Symphony**, a ROPA orchestra, was locked out. Check Orchestra-L and the ICSOM Website for news and requests for help from these and other orchestras in need of our support.

**Many Thanks
to
TOM M. HALL
(Chicago Symphony)
for
Another
Superb Job Done
as
Conference
Coordinator!**

Photos in this issue of Senza are by Dennis Molchan (RMA), as noted, or by Marsha Schweitzer. Thanks to the Recording Musicians Association for graciously sharing their excellent photographs with ICSOM.

International Conference of Symphony & Opera Musicians (ICSOM)

Affiliated with the American Federation of Musicians - AFL-CIO

ICSOM Governing Board

Chairperson
Robert Levine
Milwaukee Symphony
7680 North Longview Drive
Glendale WI 53209-1862
(414) 352-3246 / FAX (414) 352-6090
rtl@icsom.org

President
David R. Angus
Rochester Philharmonic
284 Castlebar Road
Rochester NY 14610
(716) 244-2514 (Voice/FAX)
david.angus@icsom.org

Secretary
Lucinda-Lewis
New Jersey Symphony
4 West 31st Street #921
New York NY 10001
(212) 594-1636 (Voice/FAX)
lucinda-lewis@icsom.org

Treasurer
Stephanie Tretick
Pittsburgh Symphony
3979 Boulevard Drive
Pittsburgh PA 15217-2619
(412) 422-7275 (Voice/FAX)
stephanie.tretick@icsom.org

Editor, *Senza Sordino*
Marsha Schweitzer
Honolulu Symphony
905 Spencer Street #404
Honolulu HI 96822
(808) 531-6617 (Voice/FAX)
marsha.schweitzer@icsom.org

MEMBERS AT LARGE

James L. Clute
Minnesota Orchestra
447 Newton Avenue South
Minneapolis MN 55405
(612) 374-9373
jim.clute@icsom.org

Michael Moore
Atlanta Symphony
953 Rosedale Road NE
Atlanta GA 30306
(404) 875-TUBA (Voice/FAX)
michael.moore@icsom.org

Mary Plaine
Baltimore Symphony
630 Deepdene Road
Baltimore MD 21210
(410) 433-6063
mary.plaine@icsom.org

Charles Schlueter
Boston Symphony
60 Otis Street
Newtonville MA 02460-1823
(617) 964-4019 / FAX 630-8077
charles.schlueter@icsom.org

ICSOM Counsel
Leonard Leibowitz
400 Madison Avenue #600
New York NY 10017
(212) 832-8322 / FAX 605-0909

ICSOM Orchestras

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Atlanta Symphony Orchestra
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ICSOM Emeritus Program
Abe Torchinsky
777 W. Germantown Pike #1028
Plymouth Meeting PA 19462
Phone: (610) 277-3981
AbeT825844@aol.com

Orchestra-L and WebMaestro: Robert Levine

Subscriptions: \$10 per year, payable to *Senza Sordino*, c/o Marsha Schweitzer, 905 Spencer Street #404, Honolulu HI 96822