The New ICSOM Media Committee

Bill Foster, ICSOM Media Committee Chairperson

Here is a multiple choice test. Which of the following statements are true?

1a) Recording fees for American orchestras are too high. Record companies can and do take their business to Europe, where they pay recording fees that are a fraction of those in the AFM’s Sound Recording Labor Agreement.

1b) Recording fees for American orchestras are too low. Years ago the hourly rate paid for studio recordings was substantially higher than the hourly rate for regular services of even the “Big Five” orchestras. Now, for members of those same “Big Five,” there is little or no premium for recording work over regular services.

2a) Media product is important to the mission and even survival of our institutions, and it is important to do what is necessary to allow that product to be made.

2b) When our work is captured through electronic media and then distributed, that work has additional value and we should not give it away.

3a) The recording business has always gone through cycles. We are now at a low point of a cycle, but when new technologies establish themselves we are likely to see a resurgence of activity like that seen after the emergence of the LP and the CD.

3b) The world of electronic media has changed fundamentally. Symphony orchestras are in danger of being left behind by the technology and becoming irrelevant if we don’t fundamentally change the way we look at electronic media work.

If you answered that all the above statements—though seemingly contradictory at first glance—are true, you must have been informing yourself about electronic media issues for quite a while. You probably read the March 2002 special edition of Senza Sordino, “The Great Electronic Media Debate.”

These are important issues for all ICSOM orchestra members. Whether or not you have been following the discussion to this point, you should know how ICSOM is addressing these issues.

In March, the ICSOM Governing Board appointed a new ICSOM Electronic Media Committee. This committee will develop media policies, recommendations, and proposals on behalf of ICSOM to share with the AFM when negotiating new CBAs, revising AFM promulgated agreements, or administering media agreements. The Committee will represent ICSOM during any AFM media negotiation.

This new committee succeeds the ICSOM Media Committee that worked as part of the Electronic Media Forum (EMF) from January 1999 through last spring. The EMF’s facilitated discussions produced the new Internet Agreement and a substantially revised Audio-Visual Agreement. We would like to acknowledge the leadership of Brad Buckley, past ICSOM media chair, in that process, as well as the valuable contribution of Robert Levine, past ICSOM chair.

Good communication between the ICSOM Electronic Media Committee and ICSOM representatives, orchestra committees, and all members of ICSOM orchestras is absolutely essential. Great efforts were made during the months of meetings of the EMF to generate notes of meetings and post them on the Web for anyone to read. In spite of that, there was a feeling that communication was not adequate, contributing to suspicions about the EMF and its work.

This committee will try new ways of communicating in hopes of satisfying the desire for good information. An initiative in this regard is the creation by the Governing Board of “Media-L,” an Internet mailing list that is devoted exclusively to the discussion of electronic media issues. It is open to members of orchestras and AFM staff. To join, send a request to ICSOM webmaster Robert Levine at rtl@icsom.org. Include the name of your orchestra and your wish to join Media-L. All minutes of Media Committee meetings will be sent out on that list, which will also be a place for posting articles relevant to electronic media and individual comments and questions from list subscribers. Please let us know whether or not communication efforts are working and give us any further suggestions you may have.

Posting statements on Media-L is one way to make your opinion known. However, if you would like to have a person-to-person discussion of a media question, a problem, or an issue, contact the chair or any member of the Committee. We will be happy to talk with you and bring that discussion into the committee’s own talks.

(continued on page 3 – see MEDIA COMMITTEE)
Chairperson’s Report

Jan Gippo

The 2003 ICSOM Conference will be held August 20-23 in Vail, Colorado. The theme for this year’s conference is “Getting Back to Basics and Looking Forward to the Future.” I am pleased to announce that Bill Moriarity, president of Local 802 (New York City) will give the keynote address. Our distinguished legal counsel, Leonard Leibowitz, will present workshops addressing some very basic issues: collective bargaining agreements, grievances, and arbitration. Michael Kaiser, president of the Kennedy Center for the Performing Arts, will give us his views on the future, and we will discuss the increasing role of musicians in institutional governance and the place orchestras and classical music have in our society. This latter topic is especially important as we witness many of our orchestras in serious financial trouble.

Throughout this issue ICSOM Governing Board members tell you about some of the resolutions to be put forward at this conference. One of the topics we must consider is formalizing payment to persons who provide important services to ICSOM. The Governing Board will propose providing honoraria for the ICSOM webmaster, archivist, conference coordinator, and Senza Sordino production manager. After arduous negotiation with our esteemed legal counsel, a three-year retainer agreement has been reached that must be approved by delegates. Finally, we propose prohibiting access to Media-L, our media-focused Internet mailing list, to management personnel.

All of us are distressed by the financial problems facing some of our member orchestras, and I have some thoughts on this subject.

In every orchestra now experiencing significant financial difficulty, it is the symphony management’s budgeting process that has brought the orchestra to the edge of disaster. Time and time again, managements’ budgeting abilities are so poor that they have no way of assessing what their reasonable income projections might be and no way of properly keeping track of expenses. Then the Big Surprise comes when someone looks at the balance sheet and finds that instead of positive numbers there is actually a large negative cash flow. In all cases, I imagine that there was no intent of malfeasance or bankruptcy. The fact remains, however, that these orchestras are on the brink of disaster—some have already gone out of business—and the only solution managements have found is to cut the product, the musicians’ livelihood, to solve the problem they created.

Successful businesses and managers are those that create a spreadsheet with all expenses itemized, a database that makes it simple to calculate income and expenditures and figure the profit and loss of any activity the symphony performs. Then and only then can a good manager look at the entire picture, find the true drain on the expenses, and start a process that balances the budget and keeps the institution alive until the economics get better. Such managers are rare, but they do exist, and they do understand

(continued on page 11 - see CHAIRPERSON’S REPORT)

President’s Report

Brian Rood

As this issue goes to press several of our member orchestras face increasingly dire financial circumstances. The Florida Philharmonic has filed for bankruptcy on the heels of an extremely difficult round of concessionary bargaining one month earlier; with the FPO’s demise, southern Florida has lost its only major symphony orchestra. The Pittsburgh Symphony has canceled its 2004 summer tour of Europe and continues to face numerous financial challenges; their board has put Heinz Hall up for sale. The musicians in Louisville went without being paid for over a month, and still have money due. The San Antonio Symphony has suspended operations but vows to pay its musicians through the end of this season; musicians received at least one partial paycheck in mid-May. As reported in the April issue of Senza Sordino, musicians in Houston and Baltimore have accepted sharp cuts in wages and benefits as a result of their orchestras’ critical financial conditions.

Regrettably, the list does not end there. Many, many orchestras are in trouble. Repercussions of the current economic difficulties may be felt by our musicians not only this year but down the road as well. More than ever, we ICSOM musicians need to stick together and use all our individual and collective resources to fight for our livelihoods. We cannot afford to sit by on the sidelines. Is there anybody more eminently qualified than we are to speak for and about orchestra musicians? Does anyone have more at stake? We need to be part of every discussion possible regarding the future of our orchestras, and we shall have such discussion at the ICSOM Conference in Vail in August.

In addition, several resolutions will be presented to the delegates at the annual Conference. One addresses the concern that orchestras, particularly those with EMGs, will undercut colleagues who make their income solely from electronic media work, particularly in non-traditional symphonic areas (motion pictures, jingles). Another resolution will urge member orchestras to send at least one alternate delegate, and encourage as many orchestra members as resources allow, to attend the annual ICSOM Conference so that more members may share information and ideas. Although each member orchestra is allowed only one vote, the Governing Board wishes to emphasize the importance of participation by as many members of constituent orchestras as possible. This concept is integral to the central purpose of ICSOM.

We will also take another look at the ICSOM conductor evaluation program. ICSOM treasurer and conductor evaluation program administrator Michael Moore and I have been exploring ways to make this program more user-friendly. The program was established at the 1967 conference to help ICSOM musicians register their collective opinions and appraisals of conductors to assist their orchestras reach decisions in engaging music directors, resident conducting staff, and guest conductors.

(continued on page 10 – see PRESIDENT’S REPORT)
Negotiation time is upon us. Those who subscribe to Orchestra-L are aware that a few settlement bulletins have begun to trickle in. When I assemble a settlement bulletin, it is sent back to each orchestra’s negotiation committee and counsel for approval. Once approved, it is posted on Orchestra-L and the ICSOM website. Printed bulletins are sent out periodically with various delegate mailings. Settlement bulletins for Houston, Baltimore, and the Florida Philharmonic were posted on Orchestra-L and the ICSOM website (www.icsom.org) and were included in the recent delegate mailing.

ICSOM Conference packets were mailed to delegates at the end of May. They include everything needed to make reservations in Vail this summer. As a reminder, all ICSOM delegates must be elected. Orchestras on foreign tour may assign their voting proxy to another delegate, and this arrangement must be communicated to the ICSOM secretary in writing prior to the Conference. New in the packet is a registration form to be filled out by delegates and mailed back to me. It is important that this form is returned prior to the hotel deadline. Additional registration sheets will be enclosed for your orchestra’s Local officers and orchestra members who wish to attend the conference. Timely return of these registration forms to the secretary will allow attendees other than delegates to receive mailings prior to the Conference. A first draft of the agenda is also included, as are resolutions the Governing Board intends to put forth at the Conference. Additional resolutions will be sent to delegates prior to the Conference.

We have a number of resolutions to deal with this summer. One major proposal deals with how bylaw changes are ratified by our member orchestras. Certain portions of ICSOM bylaws require not only the approval of all the delegates at the Conference but further ratification by member orchestras. Unfortunately, part of this ratification process currently requires that voting results be sent to the ICSOM secretary by registered mail, a requirement that is burdensome and expensive. There has also been confusion about whether the actual ballots had to be returned. The Governing Board will propose amending the bylaws to clarify the procedure and to allow for another method to replace registered mail. Fax, e-mail, and “snail mail” are all options.

Another resolution deals with orchestras applying for membership in ICSOM. The current bylaw language is somewhat ambiguous concerning the requirements for membership. The Governing Board’s recommendation will include clarification of this language. Additionally, the minimum wage requirement has not been raised in almost 20 years, so we will recommend increasing this amount from $15,000 to $25,000. This number reflects a cost of living adjustment from 1987 to the present. Of course, current ICSOM member orchestras will not be affected by this change.

As always, I encourage you all to keep in touch and let me know if I can do anything to help your orchestra.
The US Presidential Election of 1800 and the ICSOM Election of 2002

Marsha Schweitzer

It took the United States of America several election cycles to get the bugs out of its new system of free and democratic elections. The election of George Washington to the presidency in 1788 and 1792 was not controversial—he was elected unanimously, and John Adams, who won the vice-presidency, deferred to Washington’s leadership. But the election of John Adams as president and Thomas Jefferson as vice-president in 1796 made manifest a serious problem. At that time, the vice-president was chosen by simply taking the second place vote-getter in the presidential election; if candidates of opposing ideologies were elected president and vice-president, both ideologies were neutralized and government was paralyzed. With the increasing ideological tensions of the election of 1800 it became clear that running the president and vice-president together as a unified team was prudent.

The opposing views of Adams and Jefferson had to do, in part, with the practical application of the principles of representative democracy. John Adams believed in self-rule, but felt that the population at large was generally incapable of understanding the fine points of politics and governance and would always fall victim to campaigning hype and distortion in an election. The people could not be trusted to make an intelligent choice, so he favored an electoral system that put the final choice in the hands of the oligarchy, the few insider aristocrats who possessed the knowledge to make an informed decision.

Thomas Jefferson, the champion of grassroots democracy, believed that the common people possessed a huge reservoir of intelligence and were capable of making their own decisions, if only the body of knowledge necessary to making informed decisions were made available to them. Ignorance, not stupidity, was the problem at hand, and education, said Jefferson, was the key to an enlightened democracy.

The electoral system that we now have in the United States is a combination of both of these approaches. We elect the president and vice-president indirectly, through the Electoral College, but we elect almost all our other elected officials directly through popular vote, including our representatives to Congress and most state and local officials.

So why the civics lesson, you ask? ICSOM went through its own electoral catharsis last summer, and like the Adams-Jefferson tangle, ours had to do with the practical application of the principles of representative democracy. How do we pick our leaders? On what basis, what criteria? What do we expect of our elected leaders? What should they expect from us?

Until 2000, when the ICSOM bylaws were changed to give the Nominating Committee the discretion to not propose a slate of candidates for office, ICSOM operated under a John-Adams-like system. The Nominating Committee did the research on the candidates, organized a slate of candidates that broadly represented the membership, possessed the qualifications necessary to carry out its respective duties, and (most important, in retrospect) had agreed ahead of time that they could work together harmoniously. Although the opportunity for other nominations always existed, such nominations almost never happened. Delegates were generally content to trust the judgment of the Nominating Committee.

In light of this historical background, the decision of the Nominating Committee in 2002 to not prepare a slate for nomination proved disastrous. In the absence of an endorsed slate from the Nominating Committee, ICSOM delegates found themselves without the usual guidance that they had relied upon in the past. If they were to make an intelligent, informed decision, the delegates needed to seek guidance from other sources, either the opinions of other trusted leaders or, preferably, independent research on the candidates.

However, complete and verifiable information on the candidates was not actively sought by most delegates at the Conference; most relied instead on unsubstantiated information that was swirling around in backrooms. No detailed information at all was available on some candidates, particularly those who were nominated for office only hours before the election. The delegates thus found themselves swimming in a sea of uncertainty, ignorance, and confusion. As Thomas Jefferson would have predicted, the delegates’ lack of education about the candidates—the information that the Nominating Committee had traditionally acquired and processed for the delegates—opened the door for chaos. As John Adams would have predicted, delegates fell victim to rumors, hysteria, and manipulation and were unable to distinguish the truth from the lies.

ICSOM’s confusion between the Adams and Jefferson philosophies of voter education and empowerment, along with the absence of a prepared slate or slates of candidates, created a new ICSOM Governing Board with conflicting ideologies which was hamstrung much as the Adams-Jefferson administration was, thus inevitably forcing the resignations of a third of the Board (Scott Weber, Marsha Schweitzer, and Fred Sautter) within four months of their taking office. There can be no doubt, in the face of this grave eventuality, that the process by which ICSOM elected its officers last summer was seriously flawed.

It is interesting to note that the only officials we elect in the executive branch of the U.S. government are the president and vice-president, and we elect them together on one slate. All Cabinet members and their staffs are appointed or hired through civil service procedures. There is a good reason for that: executive officers must all pull in the same direction. One of the most profound things I learned in my studies of Robert’s Rules of Order last year was that deliberative bodies, like the U.S. Congress or the ICSOM Conference, for example, should embody all the various and conflicting viewpoints contained in the organization, because we want all the diverse positions of the constituency, including minority positions, to be heard in the debate, and therefore the members of such deliberative bodies should be fully representational and should not be elected on slates. Action groups, however, like the executive offices of government or the ICSOM Governing Board, who are charged with the implementation of the deliberative group’s decisions, should contain only those people who are 100% behind the required action and can work together in furtherance of that common goal. You do not want dissenting voices in an action group.

The ICSOM Governing Board is an action group, an administrative body, not a representative body. ICSOM officers are elected not to embody and champion a certain position held by a segment of the membership, but (continued on page 7—see ELECTIONS)
On the previous page is a homily by former Senza Sordino editor Marsha Schweitzer. I personally have great respect for Marsha and high regard for her contributions to ICSOM over the years, but on this occasion I find it necessary to provide a contrasting perspective to her views, especially with regard to the role of the ICSOM Nominating Committee.

Having been a member of the ICSOM Governing Board at the creation of the Nominating Committee in 1984, and having served on that committee many times since then, I can speak with some authority on the reasons for its formation and on the way it has functioned.

As is customarily explained in the committee’s annual report at the ICSOM Conference, the Nominating Committee was established for two main reasons. First, such a committee would save the ICSOM Governing Board a great deal of time in finding suitable candidates when incumbents expressed their intent to not serve another term of office. Second, in those instances when incumbents did intend to seek another term, the Governing Board felt it was a conflict of interest to be involved in the nomination process. Compatibility of Governing Board members was certainly one criterion in considering potential candidates, but the Nominating Committee was not created to put forth a package deal.

For many years, the Nominating Committee served its function without controversy. However, in the later 1990s (as noted in the committee’s annual reports) there were objections that the committee’s nominations amounted to endorsements which guaranteed election and which discouraged other candidates.

In response to this concern, ICSOM bylaws were amended in 1999 to allow the Nominating Committee to nominate no one if it saw good reason to take such action. In that year, consistent with the bylaws amendment, the committee nominated the three incumbent members-at-large who chose to seek reelection, but it chose not to nominate a fourth candidate, knowing that there were number of other qualified persons who had expressed interest in running. The committee did not want to discourage any of those persons from seeking office by nominating one of them in preference to the others. For the same reasons, the Nominating Committee in 2001 saw fit to name no one for member-at-large. In those years, no one raised a hue and cry because of lack of direction.

Some of the reasons for the 2002 Nominating Committee’s decision to nominate no one cannot be stated publicly because the committee operates, of necessity, in confidence. The appraisals of candidates offered in confidence to the committee cannot be revealed, nor can the committee’s insights and private deliberations. It must suffice to say that after considerable research and many hours of telephone calls and exchanges of e-mail, the committee was well aware that some persons had decided to independently put forth a slate of candidates, and that other persons recommended to the committee were undecided about whether or not to seek office. The committee thought it best not to nominate any potential candidates, feeling it more appropriate to let each individual announce his or her candidacy if and when and in the manner he or she chose to do so. As usual, this decision was announced in advance of the conference and reported to the conference in Ottawa. At no time was concern expressed that the committee was acting unwisely or irresponsibly in its action.

Marsha seems to think that the 2002 Nominating Committee could and should have come to a different decision than it did. In my judgment and that of my colleagues on the committee, Herb Winslow and Nancy Agres (with whom I consulted in preparing this column), knowing what we knew, we had no other choice. I am confident that the 2003 Nominating Committee will act with the same integrity, industry, insight, and responsibility as its predecessors, and I disagree that this committee and future committees should be bound to make nominations if it feels that it is in the best interests of ICSOM not to do.

I also see no value in rehashing the unhappy politics of the 2002 conference. I do not agree with those who assert that lessons will be learned, and healing occur, only by fully exposing and dwelling on all the backroom electioneering that took place. I do not agree that failure to examine every detail of who said what about whom amounts to hiding one’s head in the sand. Awareness of the past can help us deal with the present and face the future, but I think the more appropriate and constructive maxim here is that constantly picking at a wound does not promote healing.

Is the lesson of 2002 that delegates should always have a Nominating Committee do all their thinking for them and guide them? I think not. The lessons to be learned from the last few years are quite obvious, are not new, and don’t need yet another painful look at the past: isolation, polarization, and lack of communication create and feed on dysfunction and ill will, and even well-intentioned people can go astray.

Have those lessons been learned? In my judgment the current Governing Board is operating effectively and without rancor and division. Communication among all members through frequent e-mail exchanges and conference calls is ongoing and productive. There are differences of opinion—such is to be expected—but there is now no factional schism. From my perspective, the catharsis of 2002 is over and institutional healing is complete. I hope that individual healing will also take place.

Finally, I have to speak in support of the newer members of the Governing Board. To suggest that Jan Gippo, Brian Rood, and Laura Ross were last-minute and less qualified candidates who got on the Governing Board because of a flawed process is neither accurate nor fair. They have been active in ICSOM or ROPA for many years, were well known to delegates before the Ottawa conference, and have often been recommended as potential candidates for office. All the nominees had the opportunity to speak to delegates and let their positions be known, and the delegates made their choices by secret ballot vote. Marsha suggests that delegates were ill-informed and made the wrong choices. I have more faith in the delegates and in the democratic process than that. Of course, if delegates to the 2003
Musicians on Boards: Must We?
Leonard Leibowitz

A significant number of ICSOM (and ROPA) orchestras have negotiated representation of orchestra members on the boards of their orchestras or on board committees. The often-expressed values of musician representation on boards include access to financial information about the institution, the development of personal relationships with board members, and rank-and-file musician input into board decisions which directly affect the members of the orchestra. Some of the musicians chosen to become board or board committee members also serve on the orchestra players committee and/or the negotiating committee.

On the other side of the ledger, there are negatives that include tokenism, i.e., the board can boast that musicians are involved in governance when in reality their votes (if they are actually granted voting power) have little real clout; a certain real or perceived divided loyalty when there are controversial issues between the board and the musicians; manipulation of musician representatives in the hope and expectation that the orchestra will see it the board’s way when one of the musicians is doing the “selling”; and the potential if not the reality of a conflict of interest, or the perception thereof, as it applies to musicians who also serve on player committees.

Examples of some of these negative features abound. One orchestra board asked the musician members to leave the meeting when a discussion of creating a summer season was to be held. The reason given was that the musicians had a direct personal stake in the issue and therefore ought not be permitted to speak about it or hear other board members speak about it. In another orchestra the musician members were excused when a board discussion of the question of the renewal of the executive director’s contract was the next item on the agenda. And, of course, virtually every musician board member is excused when a matter of collective bargaining and/or pending grievances is to be discussed.

If these are not the kinds of issues into which musicians should have input, what is the point of board membership?

For me, the worst of it is the subtle but perceptible transformation from rank-and-file musician to board member which almost always occurs after a period of time spent sitting through board meetings and being subjected to the constant barrage of board “realities,” board perceptions, board pessimism, and board failure to bear in mind the mission of the organization—that it is not “just like their profit-making business” and that the ultimate goal is not a balanced budget but the communication of an exquisite art form. If the musician representatives report their experiences to the orchestra at all (and one wonders how often that occurs), inevitably what is reported is all of the aforementioned negativity.

I am not advocating that we become ostriches. Getting information, hearing good or bad news, and providing input from the rank and file are important ends to be achieved. But these ends are achievable without board membership and, thereby, without the aforementioned negatives.

Provisions can be negotiated into collective bargaining agreements requiring that the agenda of every board meeting, or even board committee meetings, be sent to the local union and/or the orchestra committee well in advance, and requiring that, upon request, musician representatives be invited to attend, listen, receive all documentary material, and offer input on any issue—including input on collective bargaining and grievances!

If it is merely the creation of social relationships that is sought, then mixers, cocktail parties, and dinners can be arranged at various times and places, including before or after concerts—assuming some members of the board actually attend concerts.

Moreover, service on certain ad hoc board committees is justifiable and mutually advantageous, e.g., music director or executive director search committees; committees to search for, or to participate in arranging for, the construction of new concert halls or rehearsal facilities; and the like. These are temporary ventures that cry out for musician involvement but that do not carry the negative implications listed above.

Fortunately or unfortunately, there are substantial differences on too many issues for there to ever be a total elimination of the adversarial aspect of any employee-employer relationship. It is true in the private sector, and it is certainly true in not-for-profit arts organizations as well. There is nothing inherently evil or wrong about that, nor does it mean that the parties cannot be respectful and cooperative with each other. It just means that the relationship should remain platonic, so that we stay out of bed with each other.

Leonard Leibowitz is ICSOM Legal Counsel.

DISCLAIMER

The two articles on this and the following page, setting forth different points of view on the issue of musicians on boards, are purely the opinion of the writers and do not necessarily reflect an official ICSOM policy. There is no official ICSOM policy on this issue. We publish these views as a presentation of the pros and cons of the issue, and we hope that they will be helpful to orchestras in making decisions regarding their participation as members of their boards.
Musicians on Boards: A Useful Tool

Robert Levine

The notion of orchestra musicians serving on their employers’ board of directors or board committees has long been controversial. Whether musicians sit on boards because of long-standing practice within the institution or because the collective bargaining agreement requires it, traditionalists view the idea with great suspicion. Board service can indeed be hazardous. But it can also be a uniquely useful tool for those orchestral bargaining units who understand how to use it to their advantage.

The idea of workers serving on the governance bodies of the institutions that employ them is not new. In Germany, workers have been represented, by federal statute, on their employers’ boards since 1951 in a system known as “co-determination” (Mitbestimmung). Similar structures are in place in some of the Scandinavian countries.

Attempts to do the same in the United States have a long history but have not been mandated by government. Nor have they been actively supported by most labor unions; some have been quite hostile to the concept. Nonetheless there are workers sitting on governance bodies throughout the US.

There are inherent risks in such involvement. Musicians on boards or committees can be marginalized by their lack of knowledge about the subject at issue. (This is a particular danger on a committee dealing with specialties such as finance or marketing.) Their involvement can be characterized as approval for decisions to which they were opposed. Their point of view on a board or committee will often not prevail. And, of course, they can be co-opted—although sometimes what is called “co-option” is simply the musicians learning some uncomfortable truths about their institution and trying to pass them on to their colleagues.

But there are powerful advantages to such board service. Being on a board or board committee remains the best way to understand the board’s internal dynamics, its relationship to the professional staff, and the board members’ attitudes towards the orchestra and the musicians. There is no substitute for frequently working in person with a group of people if one wants to understand them, which is why businesspeople still travel in an age of easy videoconferencing. Board members generally get far more detailed, and better-explained, information about how things are going for the institution than do any other group. Serving together on a board or committee is also the best way for the board members to get to know musicians as other than faceless and fungible instrument operators. Perhaps most important, serving on a board provides a formal avenue—and can create many informal avenues—for board members and musicians to interact directly on substantive issues, thus reducing the ability of the paid staff to play off the board against the musicians to their own advantage. And yes, there are managers who play that game, to the invariable detriment of the institution and its musicians.

But for these wonderful things to happen it is necessary to set ground rules, the most important of which is that musician representatives on boards and committees have one and only one function: to represent their colleagues. That is why no musician should sit on a board or board committee without being put there by the bargaining unit. It is also why the orchestra committee has to be seen by all the musician representatives as the leadership group, from whom they all take direction.

Of almost equal importance is the need to communicate what musician representatives learn back to the orchestra, the orchestra committee, and the other musician representatives. One successful strategy is to hold periodic meetings of all the musician representatives to the board and board committees simply to exchange information. Another technique is to publish a periodic internal newsletter with contributions from all the musician representatives.

It is also important for those elected to represent their colleagues to try to learn something about what their committees do. One doesn’t need to be an accountant to sit on the Finance Committee or a marketing genius to sit on the Audience Development Committee, but reading a few books on the relevant subject wouldn’t hurt either.

So put on an attitude of cautious optimism and go forth and sit. You’ll learn some useful things about your orchestra and the people that run it. And you might change some minds on the staff and on the board.

Robert Levine is a member of the Milwaukee Symphony Orchestra and immediate past chairperson of ICSOM.

Elections

(continued from page 4)

rather to administer the organization. The delegates are the representatives of positions, bringing the point of view of their orchestras to the floor of the Conference for debate and legislative decision-making. It is the job of the Governing Board to handle the day-to-day running of the organization and carry out the will of the membership as expressed through the delegation at the Conference, not to unilaterally decide what position the organization will take on issues. The personal opinions of Governing Board members on the issues should be irrelevant.

The point is not who won or lost last year, but how and why they won or lost. Let’s learn the lessons from last year’s ICSOM election, as the citizens of the United States did from their election of 1800, and resolve now that the 2003 ICSOM elections will be run very differently. We proved last year in Ottawa that a board election from an open field which produces conflicting personalities or ideologies on the new board also produces discord and resignations. ICSOM must return to the nomination and election of slates, whether those slates are prepared by the Nominating Committee or by the candidates themselves, announced in advance of the Conference. Let’s also see to it that we have all the information we need, well ahead of the Conference, to make the right choices for the right reasons.

ICSOM musicians are intelligent people. I believe, as Jefferson did, that given all the facts and the time to digest them, we are capable of making competent choices. Let’s be sure that winners win and losers lose because of their own demonstrated qualifications, commitment, and actions, not because of illusions rumors, hearsay, testimonial or allegations.

Marsha Schweitzer is a member of the Honolulu Symphony and was editor of Senza Sordino from 1996 to 2002.
**Orchestra Reports**

**Louisville Musicians Unpaid**  
*by Trevor Johnson*

**Chairperson, Louisville Orchestra Musicians’ Committee**

The musicians of the Louisville Orchestra are caught between the proverbial rock and a hard place. For the first time in the orchestra’s 65-year history, payrolls have been missed and delayed. On the recommendation of counsel Leonard Leibowitz and other advisors, we are continuing to work in spite of the payroll difficulty. It was necessary to withhold our services for four rehearsals and a concert until we could get satisfactory assurances from our board that if we continued to work, the board would not contest our application for unemployment benefits and would allow unconditional short-term leave to pursue employment that would pay us. Although having no guarantee when paychecks will arrive has taken its toll on the already underpaid musicians of this orchestra, continuing to work gives us a platform for our media campaign to educate the public on the real problems, and it keeps us proactive in the search for solutions while giving concerts to our supportive community.

Mr. Leibowitz has characterized the musicians as being locked out under the theory of “constructive discharge.” Unfortunately, however, our unusual situation does not qualify us for unemployment benefits or AFM Strike Fund benefits. Instead, we have launched our own welfare efforts by selling bumper stickers and yard signs. We also have a “How You Can Help” link on our musician website, www.savetheLO.org. We ask that everyone visit this site.

There are a few glimmers of hope on the horizon. We have the support of other unions who contribute to the Fund for the Arts (which the musicians continue to believe is the major factor in our difficulties) through payroll check-off. The Central Labor Council, the state AFL-CIO, and the Jefferson County Teachers’ Union have all written to community leaders indicating that an external review of the allocation procedures of the Fund for the Arts does not happen immediately, they will rescind their payroll check-off and put the money in an escrow account until such a review occurs. Our media campaign and website information caught the attention of Mayor Jerry Abramson, who convened a summit meeting of all interested parties on May 29. Unfortunately, the mayor himself did not attend, but he sent his arts liaison. Twenty-one people, including musician representatives, counsel Leonard Leibowitz, board and management representatives, and representatives from the Fund for the Arts were also in attendance.

Representatives of the Fund for the Arts tried to explain what they had done over the years to help the Louisville Orchestra and announced a plan, in conjunction with the orchestra’s board and management, that they thought would help the orchestra in its current plight: $900,000 over two years was offered by the Fund for the Arts to the orchestra—the same money already on the table in early May designated as “additional community support”—as long as the musicians also conceded salary in the amount of approximately $900,000. They said that our concession needed to take the form a loss of three weeks of work and a weekly salary freeze from now until the end of our CBA in 2005. (They said they would also consider a two-week reduction in season length if we agreed not to fill vacant musician positions. That, of course, is unacceptable, since the vacant positions include principal bass, assistant concertmaster, and second flute.) After caucusing, the musicians said a clear No. The meeting concluded fairly quickly after each of the city’s leaders at the meeting expressed anger and disappointment that the musicians were being stubborn “after all they had done for us.”

Of course, the musicians know that the reality is much different. There are two main reasons for our continuing to say No. One, there is money to get through the short-term crisis and maintain our CBA in the form of a second Ford Foundation endowment and in the form of record fund-raising from the Fund for the Arts. Two, holding back their offered money until the musicians concede an equivalent amount is offensive and unfair at best when the $1 million in musician concessions in the 1990s and current base salary level ($33,000) are considered.

The orchestra’s board announced in a press conference following the May 29 meeting that the board would be having an emergency meeting on June 2 to recommend the filing for bankruptcy. June 2 came and went without such a meeting because they were not able to collect the needed legal advice in time. The meeting was rescheduled for June 9.

We are still hopeful that continued behind-the-scenes pressure and the mounting campaign of our fellow union members in Louisville will be effective. We musicians of the Louisville Orchestra remain unified against any attempt to re-open our contract, which runs until August 2005, knowing that the solution to budget problems lies in improving revenue. We are hopeful that our pressure on so many fronts and the support of many other organizations will cause a speedy, positive resolution to the nightmare we have endured for the past several months.

[Ed: Readers wishing to make financial contributions to aid the Louisville musicians can send checks, payable to LOMA, to LOMA, 430 West Mohammad Ali Blvd. #1702, Louisville KY 40202.]

**Florida Philharmonic Files for Bankruptcy**  
*by Jay Bertolet*

**Florida Philharmonic ICSOM Delegate**

It is Monday, May 19. As I sit here at my computer this evening, my mind is a blur of activities and conversations. Being out of work has never been such an exhausting activity! But the eighty members of the Florida Philharmonic are in that position, almost a kind of purgatory, not knowing what tomorrow will bring and not knowing which way to proceed.

The board of directors of the Florida Philharmonic filed for bankruptcy last week. It was a dagger in our hearts. None of us were ready to listen to the news that the FPO was going to dissolve into oblivion. After a few days of soul-searching, the musicians dug in and prepared for the fight. You

(continued on page 9—see ORCHESTRA REPORTS)
**Orchestra Reports**

*(continued from page 8)*

see, there was a ray of hope: the orchestra filed for Chapter 11 bankruptcy instead of Chapter 7. Hopefully none of you know, or will ever need to know, the difference between those two legal machinations. In the former, the disposition of the assets is controlled by the institution filing for bankruptcy. This allows those assets to remain in our community, thereby giving any future orchestra a head start in organizing itself. Chapter 7 means that the orchestra’s assets are sold, by a ward of the court, to the highest bidder and they can end up anywhere.

Also involved in Chapter 11 is the possibility of reorganization. That is our current focus. I’ve been selected to be the musicians’ representative at the bankruptcy hearing. During that hearing, the judge should approve an agreement we have made with the FPO’s bankruptcy lawyer that temporarily suspends our CBA for 30 days. This, ostensibly, will give the board time to find a person or group of people to take over the FPO, buy its assets, and return it to the stage. It seems mostly like a dream at this point, but it could happen.

We have hope when we read the outpouring of support we’ve received from our community. Even though most are not capable of solving our money problems, they are truly outraged at the demise of the FPO. They’ve publicly voiced their objections and those statements have been aired in the print and video media. The message is clear: Save the FPO!

It is the same message we’ve been gratified to receive from our ICSOM colleagues. Your letters and phone calls of support have been most heartening. Your offers of assistance have been warmly received and appreciated. Certainly ICSOM has done all that we’ve asked.

But now the final deadline looms. We have 30 days to find a new board and the money necessary to save the institution. A daunting task, to say the least, but achievable. As I sit here, trying to remember to file my health insurance papers, make the necessary phone calls to secure our instrument insurance, and reexamine the bankruptcy papers one last time, I can’t help but wonder what I’ll be thinking in 30 days. I hope it’s enough time.

[Ed: Readers wishing to make financial contributions to help the FPO musicians through these difficult times can send checks, payable to the Florida Philharmonic Musicians Association, in care of Jay Bertolet, 2191 SW 117th Terrace, Davie FL 33325-5228.]

**San Antonio Goes Unpaid**

*San Antonio Symphony ICSOM Delegate*

The musicians of the San Antonio Symphony, already suffering under a concessionary agreement barely nine months old, are again faced with a declaration of financial emergency. The board also voted to cancel all rehearsals and concerts after May 3 and to retain bankruptcy counsel. As of press time we had not been paid since May 15, and much of the staff has been laid off as well.

Public support has been favorable, and we have recently hired a public relations consultant to help us do more. The orchestra played The Star Spangled Banner before the San Antonio City Council and will perform again before the newly elected council soon. After meeting with the orchestra committee, Mayor Ed Garza publicly urged the symphony board to continue mediation before considering bankruptcy, and he stated his intention to form a task force to explore how the city can help relieve the symphony’s financial problems. The mayor has also agreed to participate in a public forum we are organizing.

We thank our attorney, Leonard Leibowitz, with whom we communicate on a daily basis. Thanks also for the support we have received from ICSOM and from our colleagues around the country.

**SPCO Ratifies Revolutionary Contract**

*by Leslie Shank*

*Saint Paul Chamber Orchestra ICSOM Delegate*

The Saint Paul Chamber Orchestra is one of several orchestras working on a strategic plan under the auspices of the Mellon Foundation. As a result of that work, the SPCO Contract Renewal Committee decided to use a facilitation team for negotiations instead of lawyers. Industrial psychologist Paul Boulian and Symphony Orchestra Institute president Fred Zenone worked with members of the orchestra, the board, and the management. Beginning in September 2002, Paul and Fred led many lengthy discussions about the strategic plan and how to incorporate it into the collective bargaining agreement. From time to time, the Contract Renewal Committee and management and board members met with the entire orchestra. We were told about the progress of discussions and provided feedback about things we liked and disliked. Until early 2003, discussion concerned how to achieve greater musician input into artistic matters, including auditions; there was no mention of finances.

In February, we were told that the institution’s financial health was poor due to a depressed endowment, loss of foundation funding, and diminishing government support. As a result, eleven staff members (25% of the staff) were laid off, and the remaining staff took salary cuts to help balance the budget for 2002-2003. Shortly afterward, the Contract Renewal Committee held an orchestra meeting to explain our condition and inform us that management would be asking us to help reduce the budget for the 2003-2004 season by $700,000. Many more hours were spent by the Committee working out the finer details of the new contract, occasionally meeting with the entire orchestra. At one orchestra meeting late in the process, the orchestra narrowly defeated a motion to involve our lawyer, Susan Martin, and there was an extensive e-mail campaign by members of the orchestra debating various components of the potential agreement.

The contract was ratified on May 27, by a vote of 19-15. The contract length is four years. The length of the season went from the current 38 weeks with

*(continued on page 11– see SPCO CONTRACT)*
President's Report
(continued from page 2)

Originally, results were hand-tabulated by member orchestras and conveyed to ICSOM’s Rapid Communication Center for dissemination. Since 1982 conductor evaluation forms have been tabulated by computer at Wayne State University in Detroit and stored there in a database. In 1990 ICSOM, ROPA, and OCSM adopted resolutions that allowed access to each other’s conductor evaluation information.

Participation among ICSOM orchestras in this program has waned over the past several years. Former ICSOM president David Angus convened a task force during the Conference last August to study this trend and solicit feedback from the delegates in attendance. Michael Moore and I have tallied the results from a brief but comprehensive questionnaire.

- 65% of ICSOM orchestras reported using ICSOM conductor evaluation forms in 2001-2002, but only 37% actually sent completed forms to Wayne State University.
- 57% of ICSOM orchestras use their own internal forms for at least some of their conductors, and 35% use internal forms in addition to the ICSOM forms.
- 37% of ICSOM orchestras find the Conductor Evaluation Program useful, 33% said they do not, and 10% said they do not use the forms but do support the program. 20% did not answer this question.

Many orchestras continue to find this program to be of value to their musicians. The Governing Board would like to find ways to improve the program so that more orchestras will use it to provide managements with artistic input.

To make the program easier to work with and to access the results more quickly and efficiently, Michael and I are working on the following ideas for the consideration of the 2003 Conference delegates:

- Establishing a Web-based system with wsu to handle all or part of the program online with password-protected databases. Accessing the database online would make it substantially easier and quicker to obtain data about different conductors.
- Simplifying the questionnaire by including only the most pertinent questions regarding conductors. We have looked at orchestras that switched to using internal orchestra forms only and found that many have questions that are simpler and more to the point.
- Relaxing long-standing restrictions on the distribution of conductor evaluation data, making it available to orchestra members. Some years ago ICSOM spent considerable resources to successfully fight a lawsuit involving a conductor unhappy with his evaluation. Changes were subsequently made to protect ICSOM’s interests regarding such challenges. With legal assistance we may be able to craft a policy that will provide easier access to the database while ensuring the protection of ICSOM’s interests. Rerouting some of the questions may also decrease ICSOM’s legal liabilities.

An added benefit of streamlining the procedures for filling out, compiling, and accessing the information would be to make it easier for delegates to implement the program. Perhaps more ICSOM musicians would serve as delegates if the conductor evaluation program responsibilities were simpler and more efficient.

If you have comments or suggestions about this program, please let your delegate know before the Conference in August. You are welcome to contact Michael or me directly as well. We look forward to your responses and ideas.

Brainstorms
by Julie Ayer
Minnesota Orchestra ICSOM Delegate

I continue to work on my book, More Than Meets the Ear, gathering information, interviewing numerous colleagues, studying the Minnesota Orchestra master agreements since 1960 and interviewing each negotiating committee, and using the ICSOM CD-ROM and many other resources. My goal is to document the musicians’ struggle with their managements, their local unions, and the AFM to establish ICSOM. I am continually inspired by the people I have spoken with, and there are many—my family, colleagues, Minnesota Orchestra staff, ICSOM and AFM personnel, managers, labor lawyers, retirees, and others who have helped me in my quest for yet another detail.

One thing has led to another in a way that seems to complete the story I am working on at the moment. The project seems to have a life of its own, and my deadlines have proved unrealistic and impossible to meet. Since I am not a writer, it has been easy to feel overwhelmed. It is an understatement to say this has been an agonizing process. I would much rather be practicing . . . wouldn’t I?

I am finally at the end of the research and the interviews and am assembling these complex and fascinating stories. The main thread is the founding and development of ICSOM, but other topics have risen that have affected our profession and are too important to omit: a brief history of American orchestras and the role of the union at the turn of the 20th Century, the rise and fall of union boss James C. Petrillo, the specter of McCarthyism, the Ford Foundation grants, the establishment of the National Endowment for the Arts, civil rights, women’s issues, and contrasts between American and European orchestras. I have used the Minnesota Orchestra from 1960 to 2002 as a case study for the benefit of new orchestras members and negotiating committees.

The musicians’ grassroots labor movement is as important to our collective history as the conductors, managers, staff, board, donors, volunteers and countless others involved in each orchestra’s existence. If there is anyone that would like to share something with me, offer advice, supply particularly good anecdotes—or just offer sympathy!—please contact me. (I am still seeking information in pre-ICSM individual contracts for women, and want to know if candidates were asked to send photos, as are candidates in Germany.) Thanks to all who have offered their support.
Chairperson’s Report  
(continued from page 2)  
the process I have just laid out. During the war in Vietnam, we heard that “we had to destroy the village in order to save it.” It seems that most orchestra managers have the same mentality. It is we musicians who ultimately have to protect our rights as union members to collectively bargain for wages, benefits, and working conditions, and now it is necessary to protect our art as well.

We musicians must become sophisticated enough about finance and budgeting so that we can speak the language of management. Some managers assume we have no abilities beyond playing our instruments. If we have the ability to understand our institutions’ budgeting processes, income and expenditures, strengths and weaknesses, we can then speak this budget language with these management and boards. Too many managers decide to cut the entire product rather than the specific concert or soloist that is costing the most money. A true profit-and-loss statement would show which concerts or soloists are losing the most money so that appropriate action could be taken. If in fact a major soloist is too expensive, but the musicians and management both agree that he or she is needed for the good of the institution, then at least the musicians know where the money is going. Once we show management that we understand a budget, we can ask for very specific items in that budget and give clear direction regarding the allocation of some of the funds. Managers might still disagree with us, but we can demand that they stop treating us like children who need their parents to look after them. Understanding a spreadsheet and being able to interpret the cash flow will make it less likely that management will try to hide their financial mistakes.

Management language is not a bad language, nor is it an insensitive language. It is, however, a different expression of how the reality of the orchestral institution needs to work. When all is said and done, it is the musicians who are the guardians of the core values of music, music performance, and the art of music in our society. Businesspeople still have trouble understanding the arts, especially the performing arts. They have no real insight into what it takes to become world-class musicians, and they have a hard time understanding why art is a necessity rather than just an entertainment. They still think we “play” instead of work for a living, and that we don’t mind “playing” for free once in a while. We must change their mindset, and we can’t do it unless we get their attention and speak their language of finance. If we do not have equal voice in the financial discussions, our institutions will fall apart. It will be almost impossible to rebuild an orchestra that has reduced the product to a cut-rate bargain. Our best method of saving an institution is to have all parties working together and pulling in the same direction. Institutions work and survive in America when all the participants have ownership. Hasn’t history shown us that a dictatorial edict from one person never leads to success? It is symphony musicians who must lead this charge to change.

SPCO Contract  
(continued from page 9)  
4 vacation weeks to 32 weeks with 2 vacation weeks in the first two years, 33 weeks with 3 vacation weeks in the third year, and 34 weeks with 3 vacation weeks in the fourth. The orchestra’s minimum salary in 2003-2004 will be $56,560, down from the current $65,740. Pay includes an electronic media guarantee (EMG) and what was formerly unemployment compensation (payment which had been fully funded by the Society to compensate musicians who applied to the State for unemployment pay). An additional variable payment will be made only if net revenue in a given year exceeds expenses for that year. Musicians will contribute 10% of individual premium cost and 20% of family premium cost for dental and medical coverage, with higher co-pays in order to reduce the Society’s cost of insurance. Before this contract, musicians paid no premium.

Two part-time positions (second trumpet and second flute) are now full-time. There are two new permanent committees which will give musicians a much greater voice and responsibility in guiding the SPCO. An Artistic Vision Committee of three musicians and two managers will have primary responsibility for all aspects of programming, selection of all guest artists and conductors, rehearsal schedules, tour and recording planning, and development of a plan for feedback about the quality of SPCO performances. The Artistic Personnel Committee, also three musicians and two management personnel, will oversee auditions, tenure review, and dismissal. Three musicians will serve on the SPCO Board Executive Committee as well.

Editor’s Report  
(continued from page 5)  
conference wish to review, discuss, and revise ICSOM’s electoral procedures, this can be done in Vail in August.

Following Marsha’s resignation in October, I agreed to serve as editor until the next election. I do not intend to seek election at the upcoming conference for the remaining one year of office, and I take this opportunity to express my gratitude for the opportunity to serve and my admiration for the other members of the Governing Board and the outstanding job they have done in a difficult year. I also wish to thank all those who contributed material for publication this season.

Finally, I am pleased to report that the materials which I prepared for ICSOM’s fortieth anniversary last year are now available, updated, in a special “History” section of the ICSOM website, www.icsom.org. These include a year-by-year summary of ICSOM history, based on conference minutes and Senza Sordino; issues addressed by ICSOM over the years; and lists of ICSOM orchestras by year of entry, sites of ICSOM conference, and ICSOM officers and delegates since 1962.
AFM Convention Watch

The May 2003 International Musician contains 18 recommendations from the AFM International Executive Board (IEB) and 52 resolutions submitted by AFM delegates, locals, and conferences for consideration at the AFM Convention, to be held in Las Vegas June 23-25. Orchestra members are encouraged to read these proposed AFM bylaw changes as some of them could have a major impact on ICSOM orchestras.

Recommendation #7 proposes a per capita dues increase over a 4-year period. Recommendation #17 would allow an orchestra, or any other CBA entity within a local that has its own bylaws, to vote to prohibit members who serve on orchestra or employer boards from participating on any committees or from participating in meetings where contract issues are being discussed. Recommendation #17 deals with a controversial subject, but the Governing Board believes that every orchestra should be able to determine its own approach to this issue.

Current AFM bylaws require that locals pay to send delegates to meetings of the Player Conferences every year. Resolution #6 would reduce this requirement to once every other year, and would also limit a local’s expenses to what would be required to send a delegate to the AFM Convention. This resolution is seriously flawed. Our annual conferences are vital to allow our members to meet and discuss issues that impact our entire industry. To hamper our ability to meet, especially now when communication is so important, is foolish. Please be sure to speak to your local officers and delegates and let them know that your orchestra opposes this resolution.

Other resolutions impact us and require our attention as well. One seeks to impose work dues on income from special payment funds, and another would increase minimum local symphonic work dues (currently 1%) to 2% and increase symphonic work dues paid to the AFM (currently 0.5%) to 0.75%.

ICSOM has co-sponsored three resolutions. Resolution #8 removes the Canadian exception from that part of the AFM bylaws which bars Local officers from serving as contractors for musical theater. Resolution #40 not only removes the Canadian exception but bars Local officers from acting as contractors for any type of musical employment. Resolution #33 proposes that the trustees of the AFM-EPF include two rank-and-file musicians, with one being a symphonic musician. Currently there is only one rank-and-file musician serving as a trustee of the AFM-EPF.

Orchestra members serving as AFM Convention delegates are invited to meet prior to the Convention on Sunday afternoon to discuss these and other proposed bylaw changes. If you are a delegate, please contact me for more details about the Sunday meeting.

Laura Ross, ICSOM Secretary