

# Senza Sordino

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## Three Strikes, We're Out Managements Balk, Toronto, Atlanta Ballet, NYC Ballet Musicians Walk

All three AFM symphonic player conferences were "blessed" with labor disputes this holiday season. Two of the three have been settled, in New York and Toronto, but a very difficult battle continues in Atlanta.

The **Toronto Symphony's** first-ever strike began on September 25 and ended on December 15, just in time to bring some Christmas cheer back to Toronto with a performance of *Messiah*. The new contract calls for a 29.8% salary increase over four years, with an annual salary of \$69,000 (in Canadian dollars) in the fourth year. Toronto Mayor Mel Lastman is credited with restarting negotiations that had been stalled since November 3. The Toronto Symphony musicians were represented by committee chair Gary Labovitz and attorney Leonard Leibowitz; management was represented by Albert Webster, formerly Executive Director of the New York Philharmonic.

Canadian orchestra musicians have faced severe obstacles in negotiations over the past decade, but perhaps none more so than the Toronto Symphony musicians, who lost eight weeks of their season to cuts in 1992. The recent settlement restores those cuts to a great degree. The strengthened resolve of Canadian musicians, as evidenced by the Toronto strike and previous labor action in Montreal and Ottawa, has produced improvements for many Canadian orchestras in recent years.

Unfortunately, it does not appear that financial strains on Canadian orchestras will let up anytime soon. Major reductions in government funding for the arts in Canada, forcing orchestras to quickly retool their development departments to raise more money from the private sector, combined with the possible assessment of payroll taxes on orchestras for some musicians heretofore considered independent contractors, could keep Canadian orchestras on the financial rocks for years to come. Let us hope that, as orchestras seek solutions to these problems, musicians will not be expected to shoulder alone a financial burden that must rightfully be shared by an entire nation.



On November 26, the **New York City Ballet** opened its annual *Nutcracker* production with its orchestra picketing outside, not playing inside, the theatre. The role of the orchestra was performed on opening night by a tape, reportedly compiled from several sources, possibly including a videotape made by the New York City Ballet Orchestra itself several years ago.

Contract negotiations had stalled over management's demand for more stringent attendance requirements. Bill Dennison of Local 802 said the musicians had offered to play during the holiday season while talks went on, but the Ballet management wanted the musicians to agree to play during the spring season as well, to which the musicians refused. The Ballet then locked the musicians out of *Nutcracker*. The last labor dispute at the NYC Ballet was in 1976.

On December 7 an agreement was finally reached. A 3-year contract was ratified that provided salary and pension increases, but also, while rotation was maintained, instituted a somewhat more restrictive attendance requirement. The orchestra returned to the pit and the *Nutcracker* was again whole.



**The Atlanta Ballet Orchestra** suffered perhaps the worst outrage of this or any other season—replacement by a scab orchestra. In September the Ballet musicians struck over the management's desire for unrestricted use of taped music and refusal to make pension contributions. (The Atlanta Ballet is the only major musical organization in Atlanta that does not participate in the AFM-Employers' Pension Fund.) By November, Ballet management sought students, including even the students of the striking Atlanta Ballet musicians themselves, as well as college faculty and students from around the country, to replace the regular members of the Atlanta Ballet Orchestra for this season's *Nutcracker*.

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## Reports from the Field

by Editor Marsha Schweitzer

### Another First-Timer at the AFM Convention

*The 93rd AFM International Convention*

*Las Vegas, Nevada – July 19-21, 1999*

When ICSOM was born 37 years ago as a dissident movement within the AFM, a choice had to be made between remaining a part of the Federation and working for reform within, or separating from the AFM and creating a new union for orchestra musicians. The recording musicians had faced a similar choice in the 1950s, and chose the latter route, giving birth in 1958 to a rival union, the Musicians Guild of America, which in 1961 merged back into the AFM. In light of that experience, ICSOM decided to take the other route. When it did so, it took on the mantle of the AFM's loyal opposition, fighting for change in the AFM, but from the inside. For 37 years ICSOM has been fighting the patient fight, carrying its message to the AFM Convention, sometimes successfully effecting change, but always from a position of opposition to the AFM power structure.

At the 1999 AFM Convention, the bastions of resistance finally began to visibly give way to our years of chiseling at the rock. From the first day of the Convention,



*The All-Powerful ICSOM Secretary takes the Perfectly Powerless Senza Editor under her wing at the AFM Convention.*

longtime delegates commented to me that this Convention was not like previous ones. As one player conference delegate said, "At past Conventions, when a committee chair asked us, 'What do you people want?' it was a perjorative. This time, it was a serious question." AFM President Young had appointed two active ICSOM advocates, Fred Sautter and Brad Buckley, to important committee posts, and the ITF's pro-worker legislative proposals were major topics of conversation throughout the Convention. When the voting was over, it was clear that the voices of rank-and-file musicians had been heard. We took only baby steps of reform this year, and many problems are still to be solved, but the AFM at this Convention leaned into the wind and ever so subtly changed direction.

The AFM player conferences—ICSOM, OCSM, ROPA, RMA, and TMA—representing most of the union's working musicians, were largely responsible for this change, which may in time prove to have been the beginning of a true paradigm shift. Elaine Bernard, director of the trade union program at Harvard University, said in reference to intra-union caucuses like ICSOM, "Caucuses are a fact of life in organized labor. It's a sign of democracy in the movement, not the death of the movement. The sooner the leadership recognizes that and seeks to incorporate some of their skills and abilities, the better off they are." At the 1999 AFM Convention, our union's leaders, by finally engaging their caucuses directly in union governance and putting their energy to work within the union's official structure, began to do exactly that. If this continues, changes will take place that some may find uncomfortable, but such change can only be good for working musicians and for union democracy. Future conventions will decide how far and for how long we will travel down this new road. I like the ride so far.

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### Music And The Internet

*"Music and the Internet" Seminar*

*Cleveland, Ohio – November 3, 1999*

On November 3 the Cleveland Bar Association sponsored a seminar entitled "Music and the Internet." Speakers included lawyers and businesspeople from coast to coast representing a wide spectrum of participants in the burgeoning Internet music industry. Topics discussed included modes and methods of digital distribution, artist contracts, Internet record labels and sales, copyright issues, DVD music, and Internet radio. Here are some of the thoughts and opinions expressed at the seminar about the present and future Internet music industry:

#### Copying music, free downloads, and Internet sales

There has always been music piracy; conversion from CD to MP3/Internet is not as problematic in that regard as was the conversion from vinyl to CD. ("Music became a software business when it became digital.") The real issue now is not piracy, but the control of the initial product distribution. Record companies fear the Internet because they are losing control of the original product.

Internet music outlets like MP3.com do not sell product, but make money with banner ads. Other Internet companies like EMusic.com do not offer free downloads, but enter into license agreements with record companies as an Internet distributor.

A free download is like a free CD to a radio station. The Internet, like radio broadcasts, distributes duplicatable product for free, without packaging or distribution costs, enhancing sales of the physical product.

Artists whose live performance and merchandising sell well find it easier to justify giving their recorded music away. Artists who don't do live performances or who depend more on income from recordings are less likely to want to give it away. In any case, the Internet is an adjunct to a musician's normal activities—conventional recording, touring, home-based concerts. The Internet will not replace everything else.

#### New opportunities on the Internet

The ability to collect statistics on Internet record buyers is valuable to record companies. The marketing aspects of Internet downloads are as great as the value of actual Internet sales.

## The View Inside the TDU

*The TDU National Convention  
Cleveland, Ohio – November 5-7, 1999*

Teamsters for a Democratic Union (TDU) is a movement within the International Brotherhood of Teamsters that seeks to end the traditional top-down dictatorial union style that has characterized the Teamsters Union for most of its history and bring bottom-up rank-and-file power—union democracy—to their union.

That's one way to describe TDU—the drab, clinical way. Here are the statements of three Teamsters who spoke at the TDU Convention in November in Cleveland.\* They provide colors of deeper hue descriptive of TDU:

The boss offered me a vacation at his villa in the Dominican Republic. He offered me a promotion to Supervisor. “Wouldn't you like to be in control?” he said. But I said, “I am happy with who I am, representing my friends – my people.” . . . We got a great contract. They respected us.

“Don't make waves with the company. You're lucky to have a job.” That's what the *union* said to us. (I thought to myself that a non-union job couldn't be worse than this.) The union said, “Strikes are not necessary. Member involvement is dangerous. The main thing is getting a contract signed.” Yes, members are dangerous – they want a good contract. . . . If you want things to change at the top, you have to make movement at the bottom.

Unity, yes – but not the kind where you follow the great leader like sheep, but the kind where rank-and-file workers stand together for a good contract.

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Marketing governs Internet music sales more than artist or quality; the Internet offers a great marketing opportunity, reaching a different demographic than those who buy product at record stores. Older audiences are willing to pay for digital downloads and mail sales; younger audiences are not.

Making available hard-to-find music is a new niche for Internet. The best content draw on the Internet is unique product not available on CD.

### **Artist-record Company relationships**

Artists can get a bigger cut from direct Internet sales than from physically produced and distributed CDs. Most cost in record production is in CD manufacture and distribution; the Internet involves neither.

“If you don't own the master, the master owns you.” The new trend is partnership between artist and company rather than the artist selling all rights to the company. How the artist-company relationship will evolve has yet to be determined, but surely power will shift from the record company to the artists and consumers.

### **Intellectual property rights**

Software companies gave up on encryption; record companies are wasting time and money researching encryption. CDs are not

Many speakers were terrified to get up and speak before an audience, even a friendly one. Some were self-conscious because their English was “not so good.” But they nevertheless forced themselves up to the microphone because they knew their fellow freedom fighters needed to hear their stories—for inspiration, instruction, and catharsis. Emotion was the currency of exchange in the room, and it flowed freely, abundantly, as money flows through the stock market during a high-volume day on Wall Street. By lunchtime I was spent, emotionally drained, purged of pent-up frustration and steeled for the next dose. We all, the Teamsters and I, were cleansed, as at a revival meeting, prepared to return to the front lines of our union battles with our spirits renewed and our resolve restored.

I discovered amongst the Teamsters that the world is full of great union activists and rank-and-file members who love them. But the obstacles and challenges these activists face are monumental. Corruption, greed, terrorism, misunderstanding and hatred permeate the workplace environment, emanating from employers, government, and sometimes even from union officers. That good union activists are making headway against these forces is testament to the incredible courage and determination of these people. Not only the future of our unions, but the future of business, industry, and the civil society as a whole depends on them. God bless TDU.

*\* Cleveland is a focal point of more than one union democracy movement. It was the birthplace of TDU and also a site of ICSOM's formative meetings in the early 1960s. One of the galvanizing events that brought the nation's orchestras together to form ICSOM was the lawsuit by the Cleveland Orchestra musicians against their AFM local for the right to ratify their collective bargaining agreement.*

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encrypted—it's too late to start encrypting; “the toothpaste cannot be put back in the tube.”

### **DVD music**

DVD technology is already here, but the evolution of multi-channel sound has been slow in music recording. The movies are way ahead, already producing 6-channel audio. DirectTV is now sending 6-channel digital audio signal.

DVD is like “CD on steroids.” DVD's higher sampling rate reintroduces the ambiance of analog that was lost in the early CDs. Converting analog to DVD will capture the missing overtones lost on CD; owners of old analog tapes are urged to digitize soon in DVD before material is lost. (But artists beware of low royalty rates: “Artists got screwed converting to CD.”)

DVD is the salvation of the recording industry. Quality of content is the drive behind DVD. DVD will revolutionize not only the delivery of music, but the art form itself, creating a new sound medium to write for, create for. It's the “collision of art and format.”

DVD is, at least for now, immune from Internet distribution; DVD files are not easily downloadable because they are too large.

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The scab orchestra did not come cheap. In addition to wages, the management paid the scabs' airfare, per diem, and housing. The management was not willing to spend a little money to provide a pension to its union musicians, but *was* willing to spend a great deal more money to get rid of those musicians all together.

The *Atlanta Journal-Constitution* reported that "the replacement orchestra . . . needs more rehearsal to be ready for prime time. There were French horn miscues in "Waltz of the Flowers" and scratchy strings in the overture. The celeste got lost at the top of Act II and played many wrong notes. The amplification emphasizes the thinness of the strings." Settling a contract with the union would have cost the Atlanta Ballet less money than the scab orchestra cost and would have preserved the organization's artistic quality, but doing so would not have achieved management's goal. When the boss is willing to sacrifice both money and quality to prolong a labor dispute, a union-busting motive is the inescapable conclusion.

What the scabs don't understand is that by weakening the union that is fighting for a good job with the Atlanta Ballet, they are insuring that there will be fewer good jobs for them to fill in the future—their future—in the music business. The Atlanta Ballet's current musicians will suffer in the short term, but the young scabs who seriously seek careers in music will be hit later by their own boomerang.

Mark McConnell, ROPA Delegate for the Atlanta Ballet Orchestra, writes, "Apparently, they have offered work for the rest of the season to the scabs, so it seems as there is no speedy resolution in sight. Our Music Director, Robert Chumbley, is also the Executive Director. He has himself hired many of the scabs. One must wonder how he plans to look us in the face should a settlement be reached. I believe that he may feel that he is charting new ground for the ballet world by breaking the Union."

## More Professionals Seek Union Representation

The International Federation of Professional and Technical Engineers is celebrating the addition to its membership of 23,000 engineers, scientists, and technical employees of Boeing in Washington and six other states. IFPTE President Paul Almeida explains, "Professional and technical workers, who were once thought to have lifelong jobs, are now confronted with an increasing demand for greater skills and education, wage and benefit reductions, and potential job loss. In increasing numbers, these workers have come to understand the necessity of being represented by an organization that will be able to address their concerns."

Professional and technical workers now comprise the majority of members represented by unions affiliated with the AFL-CIO. Almost 60% of the workforce is white-collar, up from 42% in 1960. Almeida concludes, "Labor must be always committed to its historic social mission of lifting up the lowest paid among us. But to finish the job of revitalizing labor, unions must aggressively reach out to professional and technical workers. These goals are not incompatible."

## Scab Alert

*This notice from the SSD went out in mid-December via email to ICSOM orchestra musicians, as well as to Orchestra-L, the ROPA email list, and the Symphonic Forum on the AFM website:*

The Atlanta Ballet musicians of Local 148-462 have been on strike since late September in a battle with their management over the use of taped music, service guarantees and pension contributions. To date, tentative agreement has been reached on the first two items but although management agrees "in concept" to the need for pension, it can't/won't commit itself to any amount – in the third year of the agreement.

In retaliation to our strike, management used taped music for the first production of the year. Ticket sales fell off, and they canned the canned music.

For the second production, management, with "not enough money for the pension," found money to hire replacement musicians, pay their transportation to Atlanta, provide hotel rooms, and pay them per diem and wages. This management won't pay their own musicians a pension contribution on an annual \$4,000 salary, but they will pay non-union musicians travel, food and hotel.

This is outrageous in and of itself. But what is even worse is that musicians are walking across the picket line and replacing the Atlanta Ballet musicians (some of whom have played for the ballet for up to 20 years).

### Don't let the replacements be your students.

The Atlanta Ballet is on the International Unfair List. Under the AFM Bylaws, members of the AFM "shall not render musical services for organizations, establishments or people who have been placed on the List." Any member who violates this is subject to a fine of up to \$10,000 or expulsion from the AFM. Ignorance will not be accepted, as it is the responsibility of a Federation member to ascertain that the organization has not been placed on the Unfair List.

Management and conductors are calling music teachers and symphony musicians around the country, looking for people who are desirous of "good experience." Some professionals are recommending students, and then encouraging those people to take the work. Don't do this. As long as your students walk across our picket line and do our work, the management will not have any compulsion to sit down and make a deal with us.

The real experience that any scab musician will have is to learn how angry other musicians will be when uninformed and naive people have stolen their livelihood. Pictures of the strikebreakers have been taken. Names and addresses have been compiled. Whatever "experience" these students receive in Atlanta will be remembered by all the union musicians that they may work with in the future.

This is the first time that non-union musicians have replaced an entire orchestra. Management knows the professors and universities where this is encouraged, and students show up from these institutions regularly. If it is successful here, it could happen to you next.

If you are approached for recommendations, say NO. Use the opportunity to inform your students about the strength of the union, the protection of jobs and the true meaning of the statement that "An Injury to One is an Injury to All."

*Editorial:*

## World Trade Organization “Feels Our Pain”

The WTO, as described by the Earthjustice Legal Defense Fund, is “an outgrowth of the General Agreement on Tariffs and Trade (GATT) that had been struck just after World War II to speed up and facilitate trade among countries. The WTO is secretive, completely immune to public pressure, and immensely powerful. In the quest for free trade, the WTO can—and does—run roughshod over national laws and regulations enacted to protect the environment, public health, working people, and a host of other vulnerable concerns.” Larry Kelber in *LaborTalk* calls the WTO “an economic supergovernment. . . . Its trade decisions can override the labor and environmental laws of any government, including that of the United States. It is the handmaiden of giant multinational conglomerates, helping them to shape a global economy that maximizes their profits and power.”

Five days of demonstrations beginning on November 29 effectively shut down the attempted WTO Ministerial Summit in Seattle and drew worldwide attention to the secretive activities of the WTO. The protesters represented a broad spectrum of progressive labor, environmental, religious, social, and human rights activists, joining together in an inspiring alliance for the good of the entire planet. The unifying message that prevailed was “Fair Trade, Not Free Trade.” Many other cities around the world also held sympathetic protest rallies.

ILWU longshoremen shut down the Port of Seattle and dozens of ports along the West Coast in solidarity. “By taking time out from work to voice our concerns, the ILWU is telling the transnational corporations that they cannot run the global economy without the workers of the world,” said ILWU President Brian McWilliams.

“Free trade” is not really the issue in the protests against the WTO; unregulated exploitation and abuse are. New jobs for workers in developing countries are only beneficial if they are *good* jobs. Economic development that exports profits to make the rich in foreign lands even richer while impoverishing the land, people, and social fabric at home will not make this a better world. Sound

global policies will lift up developing nations and their people without dragging down others, while respecting the world’s land, cultures, and natural resources.

What does this mean to musicians? Globalization has been a fact of life for a long time in the music business. American orchestras have for years suffered from the exportation of recording work to Europe and other places where prices and conditions have generally been more favorable to record producers. The Seattle Symphony musicians succumbed to this downward economic pressure by undercutting national AFM recording rates, which played a role in their eventually leaving the AFM. The recording musicians and others in the film industry in Los Angeles are supporting legislation in the state of California to attempt to control “runaway” film productions that have taken much studio work to Canada and other countries.

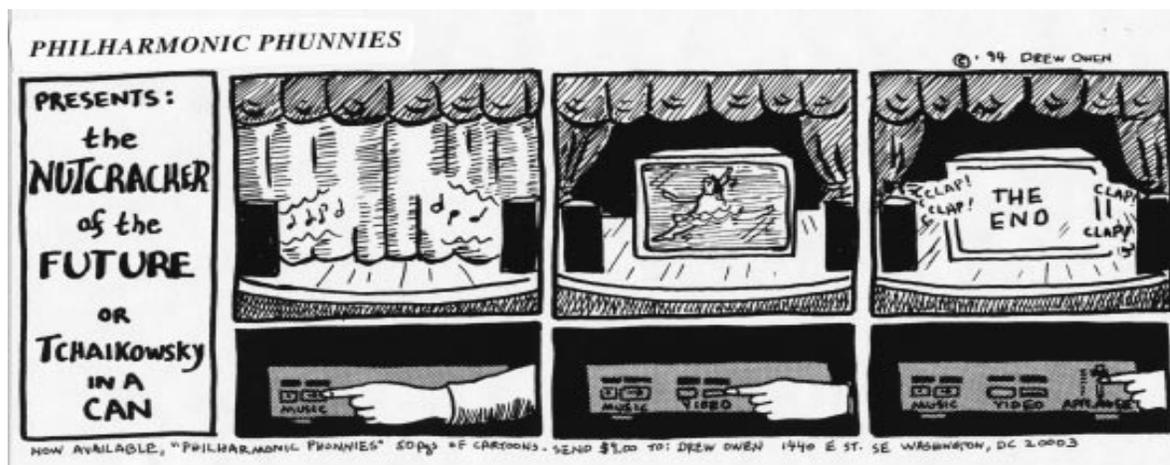
We do not condemn the musicians who have done this work; they are mostly the hard-pressed employees of organizations that did what they felt they had to do to survive in the cruel world of WTO, NAFTA, and global corporate oppression. But by agreeing to sell their services for less than they are worth, these musicians locked themselves into a future of economic enslavement and pulled others down into that black hole with them. Workers on both sides of the economic border suffer at the hands of the international business forces that drive these events.

Only by collectively challenging, on a global scale, the right of employers to force us into such untenable situations can we fix this, for the sake of musicians and all other working people around the world. That’s what the WTO protest is all about.



*We are free today, substantially, but the day will come when our republic will come to impossibility because its wealth will be concentrated in the hands of a few. — President James Madison*

*As a result of the [Civil] war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed. — President Abraham Lincoln*



*The masters of the government of the United States are the combined capitalists and manufacturers of the United States. The government of the United States at present is a foster child of the special interests. It is not allowed to have a will of its own. — President Woodrow Wilson*



**On behalf of the Board of Directors of the Atlantic Federation of Musicians, Local 571 A. F. of M., of which I am a member, I must challenge the misleading and inaccurate information contained in the 1998 ICSOM Conference Resolutions, published in the October 1998 edition of *Senza Sordino* (page 9).**

The resolution in question 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."

There was nothing undemocratic nor inequitable in the passing of Local 571's resolution to raise symphonic work dues. It was passed by a majority of 80 to 3 at a meeting attended by only three of the 37 musicians under full-time contract with Symphony Nova Scotia.

The symphony musicians did have a concert that afternoon but the board placed the dues issue at the top of the agenda in order to give them time to attend. You ought to ask their OCSM representative why such an important issue was ignored by so large a majority of the symphony musicians.

What bothers us about this poor showing is that so little attempt was made to change the minds of those attending the meeting, who may well have seen the players' point of view had convincing arguments been presented.

The board was unanimous in seeking this raise. We were faced by what we considered to be a dangerous drain on the financial resources of the local by the demand of the SNS musicians to hire an outside negotiator for contract negotiations. We have seen too many locals bankrupted by agreeing to such demands without finding a way to pay for them.

Our local president at the time, Peter Power, the chair of the players bargaining team by virtue of his office, is an experienced negotiator with an outstanding track record in symphony negotiations, as well as years of representing the AFM on the national bargaining team for wages and working conditions negotiated with the Canadian Broadcasting Corporation.

The majority decision of the local on this matter much to our astonishment, was set aside by a trial board from the Canadian office when the symphony musicians exercised their right to appeal the decision. It was reversed on a technicality. The board accepts that decision, though we do not agree with it.

Moreover, and more to the point, the disputed resolution was never at any time acted upon. I would stress the fact that no money

was ever deducted from the musicians' paycheck above and beyond the collection of work dues already established for all musicians in the local, pending the settlement of the dispute.

It is entirely improper for your magazine to publish without question, and as though it were established fact, that an injustice was done to the symphony musicians.

That is a libel against the Atlantic Federation of Musicians, Local 571. Democratic procedures were scrupulously followed, and it is for the symphony musicians to answer why they resorted to procedural technicalities to defeat the will of the majority instead of defending their position in the clear and open forum of an association meeting.

We do not dispute *Senza Sordino's* journalistic duty to report the resolutions of the conference. We do however question the journalistic ethics of *Senza Sordino* in publishing such a one-sided view of an issue under dispute. And even more do we find fault with the ICSOM conference chairperson for failing to establish the other side of the story.

In doing so, it is ICSOM which has acted in an undemocratic, inequitable and unjust manner by accepting as fact the musicians' biased and carefully edited view of a legitimate dispute between the SNS bargaining team and the Local 571 board, who have always tried to reconcile the concerns of any of our members with the good of the local, as we did in this case.

After all, that is what we were elected to do.

Sincerely,  
Stephen Pedersen  
Board of Directors, Local 571, Halifax, Nova Scotia



**As the representative for the musicians of Symphony Nova Scotia in the hearing to settle the dispute between Local 571 and the SNS Players Association, I would like to respond to the allegations made in Mr. Pedersen's letter.**

Mr. Pedersen maintains "*there was nothing undemocratic nor inequitable in the passing of Local 571's resolution to raise symphonic work dues. It was passed by a majority of 80 to 3 . . .*" What Mr. Pedersen does not say is why those 80-plus people showed up to a meeting of the local, which was a lot more than they usually get to a general meeting. The executive board of the local phoned members of Local 571 who they felt would be supportive of the executive's resolution to come out to the meeting. These members were told two things—that they could all face a dues increase (which the executive knew would never pass), which they said was what the symphony musicians wanted (which was a fabrication), or they could vote in a resolution aimed only at symphonic work. I do not dispute the wonderful campaign that the executive embarked upon. I am sure the orchestra would do the same thing if there was something we wanted passed and were made up of over 700 people instead of 37.

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

Why was “such an important issue . . . ignored by so large a majority of the symphony musicians?” The issue was not ignored at all. At an SNSPA meeting we implored the President of the local to have the proponents withdraw the resolution prior to the general meeting. I also wrote to the President twice regarding this issue and the possible consequences, to which he never responded. At the time we did not know that the resolution had been drafted and signed by the executive, a fact which they tried to obscure by submitting in their rebuttal a second Notice of Motion with the signatures of other musicians.

The bylaws of Local 571 state that any Notice of Motion must be published in *The Sound*, the Local 571 newsletter, “at least 30 days prior to the general meeting at which time the motion will be considered.” The executive violated their own bylaws, because they obtained those other signatures in less than 30 days, likely on the same day as the general meeting. Only at the hearing did it come out that there were indeed two Notices of Motion, with the President’s signature on the original first Notice of Motion, but not on the second. (This error in the procedure for filing the Notice of Motion, which was the basis of the overturning of the members’ action by the Canadian AFM office, is the “technicality” to which Mr. Pedersen refers.)

The SNSPA decided there was no point in having the whole orchestra go to the general meeting because we knew the executive was stacking the meeting. It would have been demoralizing and upsetting to attend such a meeting, with the result already predetermined, prior to having to play a concert. We sent three people, chosen for their knowledge of Robert’s Rules of Order, to the meeting to document the proceedings.

“So little attempt was made to change the minds of those attending the meeting . . .” The atmosphere and attitude of those attending was something approaching a mob scene. The executive made no attempt to control the catcalls and derogatory comments of the other members. Their minds had already been made up for them by the executive’s campaign. The whole reason for the dues increase was to make back, several times over, what our negotiations cost. We explained this to the members: that our negotiator cost \$7,000; that the local receives almost \$14,000 annually in dues from SNS alone; that we had achieved a landmark agreement of five years, at the end of which SNS will be paying roughly \$16,000 annually. In other words, for \$7,000 plus expenses the local will be taking in approximately \$75,000 over the five years. In essence, the local wanted to renege on a “contract” to pay for our negotiations, as per AFM Bylaws Article 5.24, by charging us back those costs through a punitive dues increase. The “dangerous drain on the financial resources of the local” is a red herring.

The local assumed that it would be business as usual to use the local president at that time, Peter Power, as our chief negotiator and so had not budgeted for our negotiations. The local also did not recognize that the bargaining environment had changed from one of wage improvements in the 1980’s and early 1990’s to a 24% cut and status quo offers. Mr. Pedersen also does not point out that apparently some of Peter Power’s negotiating training came from attending negotiating seminars given by the SNS management’s chief negotiator !

Mr. Pedersen also maintains that “the disputed resolution was never at any time acted upon.” The day after the general meeting the SNS office was instructed to deduct dues at 4%, up from 2%. Dues were then deducted from our cheques until the Canadian AFM office issued a Stay of Judgement at my request. 2% of the dues was then put into escrow until the trial board made their decision. After the resolution was overturned, as Mr. Pedersen says, “on a technicality,” dues were then returned to the SNS musicians.

“It is entirely improper . . . to publish without question, and as though it were established fact, that an injustice was done to the symphony musicians.” It may not have been improper, but it certainly was unfortunate that the trial board only ruled the resolution out of order rather than establish the injustice. They could have done so but would have had to face the political realities. The SNSPA had it on good authority that an injustice had been done to the symphony musicians under Article 5.24 of the AFM Bylaws, and could have chosen other avenues to redress the wrongdoing.

As I have already established above, “democratic procedures were [not] scrupulously followed,” nor was the general meeting a “clear and open forum.” Instead of questioning “the journalistic ethics of *Senza Sordino* in publishing such a one-sided view of an issue under dispute,” Mr. Pedersen should question the ethics of the local executive in how they handled our legitimate request for “competent representation in negotiations as the situation requires and the orchestra members may reasonably request [Art. 5.24].”

“ICSOM . . . has acted in an undemocratic, inequitable and unjust manner by accepting as fact the musicians’ biased and carefully edited view of a legitimate dispute.” There never was any legitimacy in Local 571’s actions. It took months of negotiations with the local to provide funds for our negotiations, achieved only after the AFM Vice President from Canada directed them to do so. This cost the SNSPA valuable time and energy and made our position appear weak to the orchestra management. One Notice of Motion was passed off as the original; the wording of the Notice of Motion changed from what was printed in the local newsletter to the one that was presented at the general meeting; the general meeting was stacked, out of control and ill-timed before our concert.

“The Local 571 board . . . have always tried to reconcile the concerns of any of our members with the good of the local.” It is the executive of the local who put the good of the local at risk by following this course of action. By choosing to keep this matter internal, the SNSPA spared the local from much more aggressive measures available to us, which included but were not limited to filing for the Orchestra Services Program (OSP), decertifying, court challenges, or labour relations charges. \$7,000 in negotiator’s fees over five years looks like a bargain for the local compared to the cost of an OSP-provided negotiator, or to the local’s loss of \$16,000 a year in work dues. Indeed, the SNSPA would like to put this matter behind us in the interest of moving on and repairing a damaged relationship.

Rob McCosh  
Symphony Nova Scotia Players Association  
President, Organization of Canadian Symphony Musicians  
(OCSM)

## Newslets

**The 2000 ICSOM Conference** will be held at The Galt House in Louisville, Kentucky starting Wednesday, August 23 and ending Sunday, August 27. Further details, including how to make reservations, will be sent to ICSOM Delegates in the coming months.

**Dennis Dreith**, longtime President of the Recording Musicians Association (RMA), has resigned that position to become Administrator of the Motion Picture Special Payments Fund. One way or another, Dennis will continue to work for recording musicians and all working musicians. **Steve Gibson** of the Nashville RMA Chapter succeeds Dennis as international RMA President.

**The Milwaukee Symphony** broke the tropical Cold War ice by becoming the first major U.S. orchestra to perform in Cuba since 1962. Although some instruments and equipment were delayed by a replacement cargo plane being denied landing permission in Havana, and many orchestra members played while under siege by unwelcome digestive tract invaders, the concerts went on, drawing appreciative crowds and rave reviews.

## The ICSOM Imprint

*When the Senza editor was new to the job, she wrote this story about a personal ICSOM experience in her own orchestra. Thinking it too maudlin for publication at that time, she tabled it indefinitely. But at last summer's ICSOM Conference, North Carolina Delegate Bruce Ridge recalled it, regretting that it had never made it into print. Well, Bruce, here it is:*

Bruce Ridge, bassist and ICSOM delegate from the North Carolina Symphony, was subbing in the Honolulu Symphony for a couple of weeks. During a rehearsal of Mahler's *Symphony #1*, the conductor attempted to begin the second half of the rehearsal before the allotted intermission time had ended. The concertmaster was standing in preparation for tuning, but the union steward was also standing, gesturing to the maestro that there were still two minutes to go. At the same moment I looked over toward Bruce, who was standing slightly offstage, about five feet from his bass, and also, like the union steward, looking at his watch, fully aware that intermission had not yet ended, and not about to assume playing posture until the proper time. I caught his eye, and we smiled.

It was a smile that spoke volumes. It reflected a commonality of understanding that instantly bridged the gap between his orchestra and mine. It reflected a mutual work experience in which ICSOM has played a major role for both of us, maybe not consciously, in the forefront of our thoughts, but deeply, subliminally, over a period of many years. Our separate but similar union educations and indoctrinations converged and became manifest on that stage at that moment.

I have wondered many times if ICSOM was accomplishing anything, if we were making any headway or just beating our heads against brick walls, speaking to deaf ears. Bruce proved to me that we have made incredible strides. Two orchestras, even though 5,000 miles apart, play by the same rules and know what they are, not only regarding the playing of Mahler, but also regarding the enforcement of contractual working conditions. The mark of ICSOM and unionism is deeply stamped across the entire continent, and beyond.

## International Conference of Symphony & Opera Musicians (ICSOM)

Affiliated with the American Federation of Musicians - AFL-CIO

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### ICSOM Orchestras

Alabama Symphony Orchestra  
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Baltimore Symphony Orchestra  
Boston Symphony Orchestra  
Buffalo Philharmonic Orchestra  
Charlotte Symphony Orchestra  
Chicago Lyric Opera Orchestra  
Chicago Symphony Orchestra  
Cincinnati Symphony Orchestra  
Cleveland Orchestra  
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Florida Philharmonic Orchestra  
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Metropolitan Opera Orchestra  
Milwaukee Symphony Orchestra  
Minnesota Orchestra  
National Symphony Orchestra  
New Jersey Symphony Orchestra  
New York City Ballet Orchestra  
New York City Opera Orchestra  
New York Philharmonic  
North Carolina Symphony  
Oregon Symphony Orchestra  
Philadelphia Orchestra  
Phoenix Symphony Orchestra  
Pittsburgh Symphony Orchestra  
Rochester Philharmonic Orchestra  
Saint Louis Symphony Orchestra  
Saint Paul Chamber Orchestra  
San Antonio Symphony  
San Diego Symphony Orchestra  
San Francisco Ballet Orchestra  
San Francisco Opera Orchestra  
San Francisco Symphony Orchestra  
Syracuse Symphony Orchestra  
Utah Symphony Orchestra

The ICSOM Website  
<http://www.icsom.org>



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# Senza Sordino

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## OUR SUCCESSORS: PERFORMING IN SOLIDARITY OR AS SCABS?

By Nathan Kahn

*ROPA President Emeritus*

*Negotiator, AFM Symphonic Services Division*

“I think that all of us in the AFM must realize that we can’t just assume that it will always be business as usual. We may have a whole generation of musicians about to emerge from music schools and conservatories who have no idea what struggles we have fought to get symphonic work where it is today.”

– Mark McConnell, Atlanta Ballet Orchestra

Recently, musicians (union, nonunion and/or students) crossed an AFM picket line to replace striking Atlanta Ballet musicians. This same situation occurred in the Miami City Ballet strike of 1993. When this happens, there is the expected outcry of “How could these people do this; don’t they know any better?” We then begin to ask ourselves what more we can do to educate would-be scabs about unionism. The purpose of this article is to give some suggestions as to how we can begin to reverse what I believe to be an alarming level of misunderstanding and/or resentment of “the union” and ignorance about the progress of our profession by conservatory students and entry-level professionals.

Mark McConnell, ROPA delegate from the Atlanta Ballet Orchestra, observed the following:

“As I look back over the situation with the Atlanta Ballet I find myself thinking of my early union days and how much things have changed since then. I joined the AFM back in 1974 when I was a high school student in Lincoln, Nebraska. At that time it was a given that if you wanted to be a musician, you joined the AFM. It was the way things were done.

“Fast forward 26 years and we find the Atlanta Ballet fielding an orchestra of scabs to replace their striking orchestra. It would have been unthinkable in 1974 to cross an orchestra’s picket line, but times have apparently changed.

“Several of the replacements told us that if we didn’t want to work that they had no problem doing it for us. They quoted the management line about how greedy we were to turn down a 38% increase in wages, no matter that management was offering to increase salary just \$4 a service. It was sad to see fellow musicians totally ignore what we were telling them.

“One wonders what could motivate someone to take someone else’s job. Is it greed, ignorance, or have these people received poor advice? Unfortunately it’s a combination of all these things.”

Ten years ago I was playing a gig with some students from a major music school. We went out for a beer after rehearsal, and one

student asked me the following question: “Suppose I get into the cello section of an orchestra and want to advance, what do I do?” I explained to him that if there is a vacancy at the front of the section, the orchestra may hold intra-orchestra auditions prior to holding national auditions. He responded that what he really wanted to know was how he could get the principal cellist’s job, if he felt that he played better than the principal. I gave him the expected response, ending with the statement, “Suppose you were a highly skilled, tenured principal cellist in an orchestra for 20 years, and someone was hired for your section, and some believed that this person played better than you. Should you relinquish your tenured position to this person?” Without batting an eye, the student responded, “Well, sure; the best player always goes to the top regardless, right?”

Our culture teaches students to compete, and music students are certainly no exception. A high school music student must compete for chairs in the youth orchestra, the all-state orchestra, solo and ensemble contests, etc. Then off to music school where students compete for scholarships, solo and award competitions, summer festivals and outside musical employment. Then comes the musical Olympics—THE AUDITION TRAIL. After several years of me-against-the-world audition efforts, BINGO! —the student lands his first orchestral job. First day on the job in the X Symphony Orchestra the Union Steward comes over to the new member asking for money to join the Union, and recites a short speech on solidarity. After some 20 years of conditioning that musician to compete and compete, solidarity and unionism (i.e. working together for everyone’s benefit instead of competing) are totally foreign languages.

Mark McConnell adds: “The most disturbing thing was finding out that many college professors and some professional musicians encouraged some of these people to cross our line.

*(continued on page 4 ☞)*

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***The International Conference of Symphony and Opera Musicians (ICSOM)***  
**Statement of Revenues & Expenses**  
**For the Fiscal Year June 1, 1998 to May 31, 1999**

	GENERAL FUND	EMERGENCY RELIEF FUND	ICSOM MEMORIAL FUND	TOTAL OF ALL FUNDS
<b>Revenues</b>				
Dues 98-99	116,858.00			116,858.00
Dues 97-98	16,379.00			16,379.00
Book Royalties	5,345.42			5,345.42
Refunds & Reimbursements	5,900.80			5,900.80
Interest Income	1,983.56	8,248.07	446.04	10,677.67
Directory Advertising Income	1,925.00			1,925.00
Senza Sordino Income	550.00			550.00
CD-Rom Sales	10.00			10.00
Transfers from Other Funds	3,500.00		3,331.00	6,831.00
<b>Total Revenues</b>	<b>152,451.78</b>	<b>8,248.07</b>	<b>3,777.04</b>	<b>164,476.89</b>
<b>Expenses</b>				
Legal Expenses	32,500.00			32,500.00
ICSOM Conference Expenses	22,284.26			22,284.26
Investigative Task Force Meetings	12,110.47			12,110.47
Telephone	10,969.37			10,969.37
Honoraria	9,500.00			9,500.00
Senza Sordino (includes Emeritus)	9,046.35			9,046.35
Directories	8,625.80			8,625.80
Mid-Winter Governing Board Mtg	5,248.35			5,248.35
Conductor Evaluations	3,783.40			3,783.40
Scholarship Awards	3,500.00			3,500.00
Transfers to Other Funds	3,331.00		3,500.00	6,831.00
Income Replacement	3,217.25			3,217.25
Media Committee	2,241.12			2,241.12
Federation-related expenses	1,998.76			1,998.76
Office Equipment	1,993.09			1,993.09
Postage	1,754.34			1,754.34
Bonding Insurance	1,507.00			1,507.00
Website	1,485.66			1,485.66
Duplication	1,350.74			1,350.74
Book Expenses	1,244.49			1,244.49
Email	1,182.93			1,182.93
Troubled Orchestras	804.55			804.55
Stationary & Supplies	730.61			730.61
AFM Convention	644.00			644.00
Misc Transportation	459.16			459.16
Accounting Expenses	315.00			315.00
Subscriptions	297.00			297.00
Bank Charges	223.37			223.37
Presidents Players Council	203.26			203.26
Good & Welfare	90.27			90.27
Dues refund	20.00			20.00
<b>Total Expenses and Transfers</b>	<b>142,661.60</b>	<b>-</b>	<b>3,500.00</b>	<b>146,161.60</b>
<b>Excess of Revenues over Expenses</b>	<b>9,790.18</b>	<b>8,248.07</b>	<b>277.04</b>	<b>18,315.29</b>

**Changes in Fund Balances**

Fund Balances, beginning of year	65,568.35	189,533.34	12,041.40	267,143.09
Income	152,451.78	8,248.07	3,777.04	164,476.89
Less Expenses	142,661.60	-	3,500.00	146,161.60
Fund Balances, end of year	75,358.53	197,781.41	12,318.44	285,458.38

**Balance Sheet**  
**For the Fiscal Year June 1, 1998 to May 31, 1999**

<b>Assets</b>				
Cash: checking	63,135.61			63,135.61
Investments		195,281.41	12,318.44	207,599.85
Prepaid Expenses	438.92			438.92
Dues Receivable	11,784.00			11,784.00
Loans Receivable		2,500.00		2,500.00
<b>Total Assets</b>	<b>75,358.53</b>	<b>197,781.41</b>	<b>12,318.44</b>	<b>285,458.38</b>
<b>Liabilities &amp; Fund Balances</b>				
Total Liabilities	-	-	-	-
Fund Balance	75,358.53	197,781.41	12,318.44	285,458.38
<b>Total Liabilities &amp; Fund Balances</b>	<b>75,358.53</b>	<b>197,781.41</b>	<b>12,318.44</b>	<b>285,458.38</b>

## Empty Seats – What Can We Do?

By Tina Ward  
Clarinetist, St. Louis Symphony

One evening last fall I was in the musicians' lounge, awaiting the beginning of the evening pops show and reading the memo from my box. The pops, a magic show, was quite entertaining to me. All sorts of things were disappearing and appearing throughout the evening. The music behind the show was fun to play and of a meatier quality than many pops shows. Unfortunately the memo, regarding attendance figures and total ticket sales, was not as pleasing to me. Although the hall often appeared only half full to me, the symphony's ticket revenue was ahead of comparable sales last year. I interpreted that to mean that, although fewer people are attending our symphony orchestra concerts this year than last, we've managed to raise our ticket prices enough to make up the difference. I was not impressed. The fact that revenues were up has not stopped my concern about the vast number of empty seats that I see all too often as I look out into the audience.

For years I have pondered the question is there anything that we, the musicians, could do to increase attendance. I believe there are many things that we can do. My purpose in writing this article is to encourage every musician to look at what s/he can do so that the symphony as an art form continues to flourish in this new century. There has often been a belief that if we marketed better, had better conductors, etc., that all would be well. While it is always theoretically possible to do something better, perhaps doing the old things better is neither humanly possible given available resources nor the only route to salvation. I ask all musicians to consider with open minds what other changes we might make so that symphony orchestra concerts remain economically viable and artistically fulfilling and joyful.

With current audio equipment I can sit comfortably at home and listen to a CD that reproduces the sound of a concert. Not only that, but I can listen as many times as I would like for no additional cost. Why should I bother to go to a concert unless it offers me more than just an aural experience? There are at least three aspects of the live concert that go beyond the experience of merely listening:

1. Visual Presentation
2. Excitement
3. Social Interaction

### A concert is an audio-visual event.

In public speaking it is common knowledge<sup>1</sup> that nonverbal communication accounts for most of a speaker's message. The percentages usually referred to are: 55% for gestures, expressions, and movements; 38% for vocal qualities; and 7% for actual words. If we apply this concept to a symphony performance, over half of the overall effect is visual! In thinking back upon my musical training the vast majority of emphasis was placed on the notes, and next upon the overall sound quality and expression; almost nothing was said about visual presentation. This emphasis is exactly the reverse of what the public speaking research indicates to be the order of importance.

During the past few years I have been attending concerts rather than performing them.<sup>2</sup> Not only did I observe orchestras playing, but also I listened to intermission audience conversations (that is, I eavesdropped). Additionally I attended an audience focus group and listened to many discussions about audience comments. From this I know that the audience does observe what is happening on stage in detail. They enjoy watching musicians who are visibly engrossed in their music-making. They wonder why so many musicians appear to be uninterested, bored and unhappy.

Now that I am back to performing I realize how unaware of the audience and of visual presentation I tend to be while I am on stage. I think there are many reasons why I, and perhaps most musicians, have minimized awareness of the audience. To list just a few:

*(continued on page 8 ☞)*

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### *Explanatory Notes to the ICSOM Financial Statements (page 2):*

ICSOM's financial resources are presently divided among three major funds, each with specific purposes:

The **General Fund** finances ICSOM's primary operations and is replenished with dues collected annually from each ICSOM member orchestra.

The **Emergency Relief Fund or ERF** contains the funds which are disbursed to ICSOM member orchestras at times of critical need. Guidelines and regulations for the use of the ERF are stipulated in ICSOM's bylaws. Currently this fund is self-sustaining.

The **ICSOM Memorial Awards Fund** is the repository for the funds used for student scholarships. The ICSOM bylaws contain guidelines for the fund's use as well as its method of replenishment, currently a \$1 per capita contribution drawn from the annual dues collection.

*Stephanie Tretick  
ICSOM Treasurer*

*(OUR SUCCESSORS – continued from page 1)*

It baffles me to hear what some of these people were telling their students. One teacher told a student who was coming to walk the line in support of the Ballet Orchestra ‘Why do you want to help those guys out? They’re just being greedy, and besides, free-lance musicians don’t deserve a pension, anyway.’ With that attitude coming from a university professor, it’s not surprising that the ballet management was able to field an orchestra.”

Private teachers should be the primary persons responsible for teaching students about the union and real life in the symphonic workplace. Students generally listen to their teachers, and their teachers’ words usually have a profound, lasting impact as they go forward in their musical careers. But what (if anything) are students being taught about the union and the symphonic workplace? Norman Herzberg, retired Professor of Bassoon at the University of Southern California-Los Angeles and mentor to professional bassoonists all over the world, states:

“Asking private teachers to teach unionism to aspiring professionals is making the assumption that the teachers know what unionism is. Present day teachers are at least a generation away from what ‘the old days’ were like. They do not know or care how we got to where we are in this field, and why unionism is, and will be important to us as professionals. Of course, as private teachers we are duty-bound to explain as best we can all of the facets of a professional life in music.”

If we had the opportunity, what is it that we would teach conservatory students in order to enlarge their perspective on the musicians’ union and professional orchestral life? History—where we were, and how we got to where we are. How many conservatory students or entry level professionals are aware that:

- In 1947 the New York Philharmonic was paid \$110 per week for 28 weeks, with no benefits.
- In 1970’s the Tulsa Philharmonic, and other similarly sized orchestras paid scale wages between \$14 and \$25 per service.
- Less than twenty years ago, symphonic musicians in many orchestras could be fired for any reason, at any time.

If we are to begin to turn the tide on this issue, there needs to be a unified, industry-wide effort to educate our successors. This would mean an organized, multifaceted plan involving all of the Player Conferences (ICSOM, OCSM, RMA, TMA and ROPA), the American Federation of Musicians, the AFL-CIO, and perhaps other interested outside music-related organizations.

The following projects, if enacted, could make a significant difference:

1. **The publication of a historical teaching publication** that would document the evolution of AFM symphony orchestras. Such a publication might include essays, photographs, charts, and a parallel instruction video should accompany this publication.
2. **The formation of a pre-professional summer institute** for gifted high school and collegiate musicians. Such an institute could teach students about the history and growth of orchestras, the union’s role in that growth, principles of unionism, negotiation and administration of a collective bargaining agreement, etc. Seminars covering the aforementioned topics should be made available to major summer music centers (Tanglewood, Aspen, etc.)
3. **A unified effort by the Player Conferences and the American Federation of Musicians to educate delegates** in their respective conferences on the importance of these principles, and the importance of passing them on to their students and their colleagues who are teachers. Each Player Conference should devote some time to this issue at their respective national conference.
4. **Continued, persistent efforts to bring our message to the conservatories.** While some music schools have been open to presentations about the AFM, many have not. Shifting the focus of the presentation from “the union” to “the growth of orchestras” should make such a program more attractive. Dialogue on this issue between the leadership of the AFM, the Player Conference chairs and the leadership of the National Association of Schools of Music (NASM) should occur on an ongoing basis.

*(continued on page 5 ☞)*

## MPTF Brings Orchestras To Airwaves

*The following are National Public Radio “Performance Today” orchestra programs acquired for the 1999-2000 season, along with their dates of broadcast, which are being funded by the Music Performance Trust Funds (MPTF):*

Rochester Philharmonic Orchestra	10/28-30/1999	San Francisco Symphony Orchestra	12/31/1999
Jacksonville Symphony Orchestra	02/03-05/2000	Baltimore Symphony Orchestra	01/20-22/2000
Baltimore Symphony Orchestra	01/28-30/2000	Phoenix Symphony Orchestra	11/26-27/1999
Memphis Symphony Orchestra	12/13-14/1999	Virginia Symphony Orchestra	04/2000
Grand Rapids Symphony Orchestra	01/21-22/2000		

## MMB MUSIC Reaches Middle Age

MMB MUSIC, INC., publisher and distributor of ICSOM's book, *The Musicians Survival Manual*, celebrated 35 years of service in October. The company got its start when Norman Goldberg, President of MMB, worked to bring Orff-Schulwerk, Carl Orff's innovative movement in music education, to the USA, and MMB became the sole US agent for Studio 49 Orff instruments.

Under Goldberg's leadership, MMB has also developed into a major resource for recordings and printed materials for teaching music in the classroom, for the creative arts therapies, special education, the *International Journal of Arts Medicine*, performing arts medicine, parenting/caregiving, and performance of classical music of the twentieth century.

MMB offers music by over 150 living American composers, including Pulitzer Prize-winning George Walker, Robert Starer, Gwyneth Walker, Stephen Hartke, Cindy McTee, Donald Crockett, David Stock, and Sheila Silver.

MMB publishes and distributes many important books and recordings for the creative arts and wellness. Titles of special interest to musicians include *The Musicians Survival Manual* for the treatment and prevention of injuries in musicians by Dr. Richard Norris, *Toward the Zen of Performance* for the development of self-confidence in the performer by Dori Berger, *To Hear Ourselves as Others Hear Us* using tape recording as a tool in music practicing and teaching by James Boyk, and three CD recordings by Daniel Kobialka, violinist in the San Francisco Symphony, for healing and relaxation.



*A special note of interest to ICSOM – Douglas Jones, Vice-President of Finance, and Marcia Lee Goldberg, Vice-President of Sales and Marketing, are each married to members of the Saint Louis Symphony Orchestra: Jenny Lind Jones and Warren Lee Goldberg, respectively. Norman Goldberg, President, was formerly bass clarinetist in the orchestra.*

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*(OUR SUCCESSORS – continued from page 4)*

5. **Orientation programs.** Too many entry-level professionals come into an orchestra with little or no sense of their orchestra's history, and limited knowledge about the role of their union and their orchestra's various committees in that history. Orientation programs for new orchestra members can help bridge that knowledge gap. As an example, Laura Ross and the Nashville Symphony Committee have designed an excellent orientation program where, among other things, new orchestra members learn the history of the NSO, and how the orchestra has achieved what it has now, and why. That program not only yielded a more informed orchestra about what the union is and what it means, but generated interest in service on the Orchestra Committee from musicians who otherwise might not have served.

Charles Schlueter, Principal Trumpet of the Boston Symphony Orchestra and ICSOM Governing Board Member, expressed the following views:

"When I joined the AFM almost 50 years ago (can you believe that?), it was a small local in southern Illinois. Actually I had to join two locals, because I played the band concerts in 2 different local jurisdictions. The band concerts were under the auspices of MPTF, which paid the grand sum of \$5.00 per concert. It wasn't a question of whether joining the union was the thing to do; if I wanted to play those concerts, I had to be in the union.

"It's hard to make young people today think 'collectively,' but then, it probably always was. There is so much of the 'me first' attitude around today, not only among musicians, but throughout the whole country. It is not surprising the Atlanta Ballet was able to entice students to be scabs.

"So what do we do? I have been advocating these kinds of projects for years. If the player conferences and the AFM cooperated with the music schools around the country, it might be possible to educate the current students, many of whom will be the next generation of performing musicians, about how all the advancements (improvements) in the professional musicians' life: salaries, benefits, job security, etc. came about because of solidarity."

James Clute, longtime bassist with the Minnesota Orchestra, bass teacher, and former ICSOM Governing Board Member, adds:

"I feel that the International Executive Board of the American Federation of Musicians and/or the Player Conferences should appoint a task force to research these problems and come up with some possible solutions."

Mark McConnell concludes:

"As we enter a new century one of our primary goals as professional musicians must be to educate and inform the next generation of orchestra musicians. If we fail to do this we may all come to regret the direction that our industry seems to be taking."



*This article was submitted jointly to Senza Sordino, OCSM's newsletter Una Voce, and ROPA's newsletter The Leading Tone.*

# 1999-2000 ICSOM Orchestra Wage Chart — compiled by ICSOM Treasurer Stephanie Tretick

*data source: ICSOM Settlement Bulletins*

Orchestra	Weeks 99-00 Salary	Annual Minimum	Seniority: 40-yr Cap if no max	EMG	Pension: 40-yr Cap if no max	Pension Type	Pension Based on Min/Prsnl Scale	Vacation Weeks	Relief Weeks	Notes
Alabama	37	23,575	23,575		5%	AFM-EP	p	3	none	
Atlanta	52	59,644	62,244	2,860	4%	AFM-EP	m	8	2 services, + 6 svcs stgs, 2nd wnd, brass	1 personal leave day
Baltimore	52	62,400	66,560		19,500			8	16 services	\$3420 bonus due 9/1/2000
Boston	52	88,920	95,950		50,000			10	1 of the 10 vacation weeks	Salary incl \$20/wk overscale for all players
Buffalo	37	30,011	31,306	1,639	6%	AFM-EP	m+EMG	1	none	
Charlotte Sym	38	25,650	27,170		5%	AFM-EP		3	17 services	
Chicago Lyric	25	41,875	44,806		10%	AFM-EP	p	17%/gross	1 opera relief, prin & asst.prin	
Chicago Sym	52	88,400	96,402		53,000			8	2, plus 1 subscription & 2 summer programs	
Cincinnati	52	75,270	76,830	3,640	22,000+6%	AFM-EP	m	9	16 services for strings	Guar. pen. min. = 45%/base for 30yrs at age 65
Cleveland	52	85,280	95,680		40,000			9	1 week	All strings paid at least \$20/wk overscale
Colorado	42	31,836	33,516	2,520	7%	AFM-EP/DCP	p	4	7 svcs	
Columbus	46	44,666	46,276		6%	AFM-EP	p	4	6 services personal leave	
Dallas	52	65,000	67,080	6,760	4%	AFM-EP	m	9	12 string services	
Detroit	52	79,300	81,380	1,534	30,000	AFM-EP		9	8 services for strings & 2nd winds	AFM-EP contributions begin 1999-00.
Florida Orch	36	26,550	28,890	180	6%	AFM-EP	p	3	6 svc, strings + 8 pers lv svc for all	
Florida Phil	43	36,400	37,475		8%	AFM-EP	m	4	12 svcs strings, prin & 2nd wwnds & 2nd brass	
Grant Park	10	9,856	10,231	843	10%	AFM-EP	p	0	none	
Honolulu	33	25,740	27,225		5.5%	AFM-EP	p	0	6 days/yr, cum to 12 paid days	
Houston	52	66,040	68,120	3,900	30,000+4.5%	AFM-EP		9	none	
Indianapolis	52	58,370	61,490	3,502	34,080			9	8 svc stg/1&2ww/prin brss/2nd hn,tpt/timp	
Jacksonville	38	30,005	31,715		3.5%	AFM-EP	p	4		
Kansas City	42	28,503	28,503	1,302	4%	AFM-EP		2	none	
Kennedy Center	28	39,932	42,582		9%	AFM-EP	p	6% of personal scale	none	Figures approx: orch. under 3 contracts: opera,ballet,show
Los Angeles	52	87,880	92,690	2,000	44,930	+4 yr AFM-EP	m	10	+ 1 week strings, 2nd winds	All non-titled stgs paid add'l 1.5% of scale.
Louisville	41	27,539	28,175	1,025	2.168%	AFM-EP	m	4	none	
Met Opera	52	77,792	77,792		60%		p	10	1 of the 10 vacation weeks	Salary does not include rehearsal or radio pay.
Milwaukee	44	51,788	53,348	220	6%	AFM-EP	p	6	8 services	
Minnesota	52	76,310	78,130	3,640	7%	AFM-EP	m	10	6 maximum (on seniority) + 7 strings	
National	52	79,690	92,170		@45,000	AFM-EP	m+sen.	8	1 week + 1 week for strings	
New Jersey	33	31,845	32,800	1,155	10%	AFM-EP	m	2	none	Pension will be paid on personal scale beginning 00-01.
North Carolina	41	35,670	36,695		8.5%	403(b)	m	24 days	5 services personal leave	
New York Phil	52	88,920	95,628		48,000			9	1 of the 9 vacation weeks	Salary incl \$20/wk overscale for all players.
NYC Ballet	30	45,750	48,750		12.5%/gross	AFM-EP	p	4	none	Salary includes guaranteed 75 hrs rehearsal @ \$50 per hr.
NYC Opera	29	34,957	38,727		10.25%	AFM-EP	p	4	none	Base does not include rehearsal pay.
Oregon	43	36,210	36,210	506	8.5%	AFM-EP	p	17 days	none	
Philadelphia		<b>not available</b>							1 of the 10 vac wks + 4 pers days & 2 days at Saratoga	
Phoenix	38	31,210	32,730		4%	403(b)	m	3	none	
Pittsburgh	52	82,940	86,060		36,493.60			10		
Rochester	40	32,400	33,330		3.5%	DCP	m	3	none	
Saint Louis	52	72,280	77,480		28,500			8	1 week	
Saint Paul Chamber	38	56,962	58,562	1,200	10%	AFM-EP+403(b)	p	3		7% AFM-EP, 3% 403(b)
San Antonio	39	28,548	30,108		6%	AFM-EP	p	4	none	
San Diego	38	24,000	26,160	1,200	18,000	private	p	none	none	
SF Ballet	21	31,043	32,396	907	10%	AFM-EP	p	13% of base	none	Sal incl vac pay. Yrly contract guar = 105 perfs.+102 reh.
SF Opera	29	55,795	58,797	1,945	9%	AFM-EP	p	4	1 opera off each fall for all	
SF Symphony	52	86,840	92,300	1,560	42000			10	2 of the 10 = floating, 1 extra (11th) wk for 2nd wnds	
Syracuse	38	24,659	25,259		.0047	private	p	4	none	
Utah	52	42,380	43,940		8%	EP/403(b)	m	9	none	Salary does not reflect \$500 signing bonus.

*(EMPTY SEATS – continued from page 3)*

◆ The routine of playing so many concerts tends to take away the special event quality of individual concerts. Rehearsing and performing over 150 concerts a year makes the concert hall feel more like my living room than a place where I am on my best behavior. Indeed, I spend more time on stage than I do in my living room.

◆ I have donned my “orchestra black” so often that it truly is an everyday occurrence for me. During my years of performing I have developed a system to minimize my energy output in stage preparation. Out of curiosity, I timed my change from casual jeans to formal black. I was in and out of the dressing room in less than three minutes. I spent more time climbing the stairs to the dressing room than preparing to be on stage.

◆ Giving my best possible musical performance takes so much of my attention that I feel as though remaining aware of the audience and of how things look puts me into mental and emotional overload. It’s just too much to do all of the time, so, over time, I have minimized the importance of acknowledging the audience. It’s just easier and more comfortable to make the audience invisible.

◆ Focusing on the hundreds or thousands of people out there listening tends to invoke a fear response within me. It is all too easy for me to go into my failure fantasy mode with a flurry of negative thoughts, such as “What if I miss this note? What if I squeak? What if...?”

◆ In all of my musical training I received almost no instruction or guidance in stage etiquette and deportment and even less guidance in relating to and engaging the audience. Rather than risk the disapproval of the audience, I have just minimized their existence.

### **What can we do?**

√ *When we have finished performing, we can place our focus on the audience and respond to their applause.* It may be as simple as smiling and looking at the audience until they finish applauding.<sup>3</sup> If you enjoy playing and are glad to be performing, let the audience see it in your gesture and expression.

√ *Wait to put away music and pack up until the audience finishes applauding.* Putting away music, packing up and running off the stage at the first available moment gives the impression that we can’t wait to leave. We have invited guests to come to our house, the concert hall, asked them to pay, and given them a demonstration of our wonderful musical talents and skills. Then, when our guests applaud to thank us for the lovely evening, we do not even acknowledge their presence by looking at them and smiling. Instead we stand up, talk to each other and busily pack up our things.

√ *Be aware that we are visible every moment that the audience is in the hall.* We are on stage and should act accordingly. Take time to check your appearance on the way to the stage. Remember that someone notices each action and gesture on stage.

√ *Don’t talk during rests, announcements, and narration.* Audience attention tends to be drawn to the activity of people on stage. We request that the audience not talk during our performance, let us offer the same courtesy to our colleagues and the audience.

√ *Experiment with some customs that are used successfully elsewhere in the concert halls of the world such as:*

- Have the orchestra make a grand entrance as a whole at the beginning of the concert. In baseball even though the team may have been on the field warming up, the players return to the dugout and are announced to begin the game.

- Ban cases and other nonessential items from the stage. All too often I have noticed miscellaneous papers, coffee cups, and generally unsightly messes spilling from instrument cases.

- Have an orchestra musician, when given a solo bow by the conductor, stand, bow to the audience, and then sit down thus avoiding those uncomfortable moments when individuals are left standing amidst their seated colleagues.

√ *Experiment with dress codes.* Traditionally orchestra members have dressed to minimize individuality and to keep a uniform appearance. In contrast, soloists tend to be acutely aware of the importance of their appearance. In recent years even male soloists and conductors have begun to appear in a greater variety of attire. Rather than attempting uniformity, individuals could be allowed and encouraged to dress in a more interesting, individual way. Even within the constraints of concert black more variety could be allowed. Some concerts could be designated as special dress up events for both the orchestra and the audience. Women might wear colorful formal gowns and men black tie attire with the audience invited to wear the same. Similarly there could be dress down concerts when more casual attire is worn by the orchestra and audience.

√ *Spend time and money looking good.* The audience does notice what you wear and how you wear it. Perhaps orchestras could create an expense account for concert wear by putting aside an amount of money, to be paid to the musicians upon submitting receipts. Some orchestras have hired makeup artists for Halloween costume concerts. Perhaps makeup experts should be hired for a few regular concerts so that everyone on stage has appropriate instruction in how s/he might improve her/his appearance.

√ *Allow management to hire a consultant to work with orchestra members to improve their visual presentation.* In professional theater there is a stage director who gives notes to the cast that include suggestions on all aspects of their performance. Much as we expect the conductor to offer us musical suggestions and guidance, perhaps we would give a better visual presentation if we had some coaching and suggestions from an appropriate professional.

### **A concert is a unique, exciting event.**

Although most orchestras present many concerts a year, each concert is unique and can never be truly duplicated. It is the spontaneity, atmosphere, and excitement which, for me, set live music apart from recordings and creates a truly unique, special and magical event. A concert is a one-of-a-kind, totally handmade product.<sup>4</sup>

We all seem to intuitively know when a special energy permeates a concert. The audience spontaneously and energetically responds. I tend to feel “up,” energized and happy, even though I may be physically fatigued. ☞

All too often I feel it is exclusively up to the conductor to create this special atmosphere. After all, it is s/he who creates the overall shape to the composer's score and is in the position to inspire or squelch my creativity and engagement. There are ways that we can encourage the excitement and creativity of live performance.

**What can we do?**

√ *Play in an exciting, committed manner.* Each and every musician has the ability to do this. Although I always look outside myself for inspiration, ultimately it is my responsibility to play the best I can at every concert. For me, it takes more physical energy, concentration and musical risk-taking, but the rewards are well worth it. Although it is much easier to do this with an exceptional conductor, in a great hall, with great colleagues, and with a wonderful audience, it is possible to do even in mediocre situations.

√ *Acknowledge and compliment orchestra players, soloists, and conductors who do have a special excitement and magic in their music-making.* Tell them. I respond well to positive feedback. Not only do I feel good, but also it gives me information on how I sound, how my part is fitting in, and how I am doing so that I can create an even better performance. Looking back upon my musical training I was taught almost entirely by negative correction. I was told what I was doing wrong, which I would then work at correcting. Rarely was I ever told what I was doing that was right. Positive comments encourage me to play even better.

√ *Listen for audition candidates who play with a special musical magic.* Risk passing players through to the next round who are able to tell a story musically. Although it is easier for an audition committee to eliminate players for technical and rhythmic imperfections, perhaps the quest for perfection is not as important as a musician who can say something truly special through her/his instrument.

√ *Experiment with audition protocol.* Perhaps orchestras might revisit the old audition practice of not having excerpt lists. The audition committee might hear a truer level of general playing and overall quality by hearing unannounced selections rather than the perfect rendition of a small list of excerpts. This might also better demonstrate the experience level of the candidate.

√ *Encourage having successful candidates play in the orchestra for a substantial period of time.* Use the probationary period as just that—a time of being on trial to see if a player is the right player for the job. As it is now, very few players are released in their probationary years. This creates undue pressure to get the “right” person in the audition. Or sign audition winners to a temporary contract of three or more months to create a significant period of time to see if the candidate truly is the right person. If it became standard orchestra procedure to grant a leave of absence for a player to go to another orchestra on a temporary contract, everyone could benefit. The new orchestra can determine on-the-job suitability and performance, the old orchestra can hire potential candidates, and the musician doesn't lose her/his job security. Perhaps, if the audition committees were less concerned about getting the one perfect player, they might take more risks passing players to the next

round or signing players to a temporary contract who show great musical potential, but still need a little refining or developing.

√ *Remain responsive to everything around you on stage.* A concert is an event. It creates a mood. Be aware and sensitive to that mood and enhance it. Wait until the conductor puts down his hands at the end of a movement to move, shift music, tend to instruments, etc. Don't fidget during quiet sections. Let the atmosphere of the music prevail.

√ *Listen for the special moments and don't interrupt them visually or aurally.* Perhaps swabbing out an instrument or emptying slides can wait until a very quiet section is over. I had been playing professionally for over twenty years before I discovered a way to quietly suck water out of a key rather than noisily blowing it out.

√ *Consider rehearsing in a venue other than the hall for subscription concerts.* I find that rehearsing and performing in exactly the same acoustical environment allows me to be more comfortable and reassured. My sonic surroundings are familiar. But when I am on tour and playing a new venue every night, my ears are more alert. I have to pay more attention and make adjustments. Many tour concerts have a kind of brilliance and excitement that differ from those at home.

**A concert is a social event.**

The audience is a group of individuals who interact with each other before, during, and after a concert. Most people prefer attending with someone they know. Some people attend more for social reasons than for the music. Symphony development departments have capitalized on the social aspects of a concert and have created rooms where higher level donors can go before the concert and during intermission. Social interaction is a human need, one that the best audio system cannot fulfill.

**What can we do?**

√ *Let people know you play in an orchestra.* Tell them what excites you about your job. Invite people to concerts. Ask them if they'd like to come. No, I don't necessarily mean that you should give them tickets. Give them brochures. Point out concerts they might find particularly interesting. I carry brochures in the trunk of my car so that, if someone expresses interest, my stash of materials is only as far away as my car. I never realized how important the personal connection was until one of my neighbors told me that now that I am back playing she would like to go to a concert. Having previously met a musician who is on the stage is a tremendous draw. It makes a concert become a personal interaction.

√ *Use comp tickets to introduce new people to orchestra concerts.* Rather than taking the easy route of giving tickets to family members or friends, make an effort to give them to people who would not otherwise come. Giving away tickets to people who will actually use them is time consuming. The best way I know to introduce someone to a symphony orchestra is to have her/him come to a concert to which s/he has been personally invited and where s/he knows s/he is welcome and valued.

√ *Be a good host.* If there is someone in the audience you know, talk to her/him. Acknowledge her/him. Answer questions. Although it may not be appropriate to talk to them from the stage, a look and a smile can acknowledge her/him. Talk to the patrons you recognize while entering and leaving the hall. Introduce them to other orchestra members. Relationships are built on a one-on-one basis.

√ *Participate in events in which orchestra members interact with the audience.* This might be an after-concert reception or a speaking engagement. Perhaps orchestras should experiment with some new ways of mingling musicians, soloists, and conductors with the audience.<sup>5</sup> I have seen theatre companies in which the cast forms a receiving line in the lobby after every performance and speaks to the audience as they leave the theatre.<sup>6</sup> Sports teams have special days for meeting the players, taking pictures, etc. What if we experimented and had varying groups of musicians stationed in the lobby or the front of the stage after each concert to talk to the audience, thank them for coming and receive their congratulations?

√ *Be an ambassador.* Everywhere you go, you represent your orchestra. Be the best representative you can be. Your enthusiasm and love of music is contagious if you just let it be known.

It is time for us to take action. At the very least we should be discussing, creating, encouraging, and participating in innovative strategies. Audience development is no longer something management can do alone. We can be a significant force in this process. Let my list be just the beginning of new efforts by musicians and the entire orchestra family working together to fill halls to capacity for every concert. ❖

*Tina Ward has been a clarinetist in the St. Louis Symphony since 1970. In 1998-99 she completed assignments with the Kansas City Symphony and the Chicago Symphony Orchestra as a Fellow in the American Symphony Orchestra League's Orchestra Management Fellowship Program. Ward has also been the Principal Clarinetist in the Santa Fe Opera and has been chairman of the Artistic Advisory Committee, Travel Committee, and Community Partnership Program Musicians' Task Force of the SLSO.*

**footnotes:**

<sup>1</sup> Malcom Kushner, *Public Speaking for Dummies*®, p. 243.

<sup>2</sup> For almost three years I was physically disabled from playing. During that time I attended concerts in several cities. Also I participated in a retreat where I heard board members, management staff, conductors, and musicians frankly discuss problems of symphony orchestras related to audience attendance.

<sup>3</sup> At least two American orchestras, Baltimore Symphony Orchestra and The Houston Symphony, have directed those players at the front of the stage to turn towards the audience during orchestra bows.

<sup>4</sup> Analee Dorough, principal flutist in The Houston Symphony, used the description of a concert as handmade in a pre-concert speech asking for annual fund donations.

<sup>5</sup> The former Music Director of the New Hampshire Music Festival would lead all the orchestra members out to the lobby at the end of the final concert of the summer season to greet the patrons, thank them for coming, and invite them back for next year's season.

<sup>6</sup> After a St. Louis Symphony pops concert with the juggling Flying Karamazov Brothers, all the performers came out to the front of the stage to talk with interested audience members and sign autographs.

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## Reform Movement in the AFM Gets High Marks

The Association for Union Democracy, an organization that studies and reports on the international union democracy movement, published an article entitled "Democracy At Work in the Musicians Union" in the January 2000 issue of its newsletter, *The Union Democracy Review*. ICSOM played a major role in the story as presented by AUD:

"For a great story of union democracy and reform, look to the American Federation of Musicians. Commenting on the union's 1999 international convention, *Senza Sordino* [translation: Without Mute], newsletter of the International Conference of Symphony and Opera Musicians (ICSOM) writes, '... by the usual standards that ICSOM has measured conventions, it was a rousing success.' Coming from ICSOM, a watchdog for democracy in the AFM, it is an encouraging report."

AUD took notice of the AFM player conferences' historic alliance that created the Investigative Task Force (ITF) and the 1998 Unity Conference leading to the 1999 AFM Convention:

"A Unity Conference, a kind of caucus gathering held months in advance, brought together representatives of the players confer-

ences—symphony musicians, regional orchestras, recording musicians—and Locals 802 and 47 to press their demands at the coming convention."

And ICSOM's role in leading the reform movement in the AFM was recognized:

"But a key force was the symphony and opera musicians who formed ICSOM back in the early sixties to demand rights for the nation's talented musicians. It began as an independent insurgent movement within the AFM; and, at first, it was denounced by top officials as destructive and antiunion. But as the movement gained strength and support, the officials drew back, and made concessions. From an embattled insurgent movement, ICSOM was transformed into an official section of the union as a 'players conference.' Other conferences followed: RMA, the Recording Musicians Association; ROPA, the regional orchestra players; the Canadian symphony musicians. Together, they constituted a powerful national and international movement for reform."



*On Educational Institutions and Professional Musicians*

[This letter first appeared on the ROPA Internet list:]

**The recent events involving the Atlanta Ballet Orchestra,** as well as subsequent discussion from Florence Nelson (AFM-SSD) and Andrew Brandt (ROPA President), led me to remember how I viewed the AFM when I was a recent music school graduate. First, a portion of what Florence had to say regarding the ABO strike:

I cannot fathom that any symphony musician, teaching in a conservatory anywhere in the US or Canada, would suggest that a student should displace a union musician on strike. The facts surrounding the Atlanta Ballet have been very public, through the AFM forums, the *International Musician*, and the player conference Internet lists. Therefore, it is very disappointing that these misguided students have so little knowledge of the negotiating process, union affiliation and solidarity.

Once this is over, each and every one of us has a new task before us. It is not enough to teach people how to make a pretty sound or articulate a particular passage properly. We also must instruct people on what the union does for them and what it means to remain unified so something like this never, ever happens again.

And this is from Andy Brandt:

Unfortunately, I'm sure there are a number of teachers (disaffected members of the AFM, angry former members and antiunion nonmembers) who would encourage their students to get work at the cost of those "greedy union musicians." I doubt this is common in the major conservatories, where many of the teachers are also orchestra players (and union members). However, in schools where the faculty do not come from full-time symphony orchestras, I suspect this is more common—especially in those right-to-work states where anti-unionism is more common, even among musicians.

As someone who graduated from college in the 1990's (albeit the early part) I remember very distinctly not caring one iota about pension, health benefits, and loan rates, and I certainly was oblivious to the concept of union solidarity. What I did want to do was make a living playing music. I figured, if it was union work, great, but if I wasn't getting union work, what was the point of joining the union?

In the ongoing ABO situation, members of the scab orchestra likely fit into one or both of the following categories: (1) as Florence said, they are oblivious to the role of the musicians' union, or (2) in the absence of work, they feel the musicians' union doesn't really have much to offer them, and with the union on the sidelines, now they can get in on the action.

The fact is, most graduating students don't separate the AFM much from Jimmy Hoffa. Beyond playing union gigs, they do not see any tangible and "positive" reason (as opposed to negative) for joining the union. I agree that we have to make it a goal to educate students about the AFM. However, the AFM must be seen as vital and worthwhile, not simply a requirement for work. Talking about unity doesn't mean much to most new graduates trying to earn a living.

The only image most students see of the AFM are when musicians are on strike, which, like it or not, reflects negatively in many people's eyes. We have to overcome that. Being a member of the musicians' union must be a positive thing, with many good reasons for joining besides (and beyond) protection when something goes wrong. The everyday existence of an AFM member must reap rewards so that people will want to join.

Craig McNutt

Timpanist, Rhode Island Philharmonic



**During the 35 years of my teaching at the University of Southern California I informally taught my students the necessity to join a union,** participate in its activities, try to improve it, and obey its principles. Unions and contracts are essential elements in our professional lives and whereas we train students to be competitive in a crowded field, we pay little attention to giving them the strength and understanding about how to improve their lives in a demanding profession.

At the present time, with the outcries against those students who cross the Atlanta Ballet picket lines to replace striking musicians we are overlooking some very important facts. Music schools and conservatories pay little heed to the future of their students. They look upon students as a means of maintaining and justifying their existence. Many students that attend are more interested in scholarships rather than gaining the expertise to graduate as qualified competitive participants in our profession. Where would a yearly class of twenty-five clarinetists find jobs after graduation? How about thirty flutists? One well-known conservatory has a bassoon class of twenty. The present student population in music schools cannot realistically hope for full-time positions. Nor do the music schools offer them much help after they graduate.

Teachers look to recruiting to insure and maintain their own positions. They produce a pool of available musicians with little hope of making a living in music. These students are only too happy to "pick up" some extra money at every opportunity. Hence the situation in Atlanta! Add to the mix antilabor laws such as Taft-Hartley, Landrum-Griffin, right-to-work states, and a political antiunion climate. The task of teaching unionism under such circumstances is formidable at best.

Norman Herzberg

Professor of Bassoon, retired, University of Southern California

Recording Musician, Los Angeles & New York

Former Member, St. Louis Symphony

Teacher and mentor of many ICSOM orchestra bassoonists



## Electronic Media Forum

The ICSOM Media Committee, representatives from ROPA and the AFM, and symphony, opera and ballet managers have been meeting to discuss distribution of recorded music produced by symphonic orchestras over the Internet.

Any members interested in following the discussion points can read the notes of the meetings on the ICSOM website. Any collective bargaining agreement reached during these discussions will be submitted for ratification to the musicians employed by the signatory orchestras.



**Attention ICSOM Delegates!**  
*Our official travel agents have moved:*

**Susan Levine & Carl King**  
are Super Proud to advise you  
that, effective January 12,  
we can be reached at

**CTS (Cassis Travel Services)**  
200 West 57th Street, Suite 608  
New York, NY 10019  
Tel: 212-333-3633 x 515  
800-726-2757  
Fax: 212-333-3572  
efax: 425-988-1437  
email: [suetravel@aol.com](mailto:suetravel@aol.com)



**CORRECTIONS to the ICSOM Directory**  
should be sent to ICSOM Directory Supervisor Mary Plaine. 

A list of errors and updates will appear in a future issue of *Senza Sordino*.



**MANY THANKS** to members of the Houston and Dallas Symphonies, who made my recent trip to the AFM Western Conference a delight, and who, I'm sure, set a new standard for hospitality to visiting ICSOM dignitaries. With home-cooked meals, vintage Scotch, schlepping, lodging, scintillating conversation and beautiful music, they made my sojourn in Texas not just a pleasant, but an exhilarating, experience.

*Marsha Schweitzer*  
Senza Editor

## International Conference of Symphony & Opera Musicians (ICSOM)

Affiliated with the American Federation of Musicians - AFL-CIO

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- Baltimore Symphony Orchestra
- Boston Symphony Orchestra
- Buffalo Philharmonic Orchestra
- Charlotte Symphony Orchestra
- Chicago Lyric Opera Orchestra
- Chicago Symphony Orchestra
- Cincinnati Symphony Orchestra
- Cleveland Orchestra
- Columbus Symphony Orchestra
- Colorado Symphony Orchestra
- Dallas Symphony Orchestra
- Detroit Symphony Orchestra
- Florida Orchestra
- Florida Philharmonic Orchestra
- Grant Park Symphony Orchestra
- Honolulu Symphony Orchestra
- Houston Symphony Orchestra
- Indianapolis Symphony Orchestra
- Jacksonville Symphony Orchestra
- Kansas City Symphony
- Kennedy Center Orchestra
- Los Angeles Philharmonic
- Louisville Orchestra
- Metropolitan Opera Orchestra
- Milwaukee Symphony Orchestra
- Minnesota Orchestra
- National Symphony Orchestra
- New Jersey Symphony Orchestra
- New York City Ballet Orchestra
- New York City Opera Orchestra
- New York Philharmonic
- North Carolina Symphony
- Oregon Symphony Orchestra
- Philadelphia Orchestra
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- Rochester Philharmonic Orchestra
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# Senza Sordino

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## New Internet Agreement Reached

*by Robert Levine, ICSOM Chair*

On May 2, 2000, the Electronic Media Forum, a group of symphony, opera and ballet managers, musicians, and AFM officers and staff, reached agreement on terms for a new national agreement covering streaming and downloading of audio music product over the Internet. This Internet Agreement, the first new AFM media agreement covering symphonic musicians in two decades, was the result of over a year of fact-finding discussions and negotiations.

In the summer of 1998, the Managers' Media Committee and the ICSOM Media Committee agreed to establish a task force to examine the future of symphonic electronic media. The first set of meetings of what came to be known as the Electronic Media Forum (which were facilitated by Richard Evans of the Bay Group and underwritten by the Andrew P. Mellon Foundation) were devoted to reaching a shared understanding of the existing and future media environment for orchestras and opera and ballet companies. The EMF looked at data on trends in recording and broadcasting and heard presentations from some of the companies involved in current media activities. It appeared clear that the recording industry no longer had significant interest in the creation of new symphonic and operatic recordings, and that almost no institutions or symphonic musicians were making any real money from media activities, or indeed seeing any real benefit at all. It also became clear to the members of the EMF that things were not likely to get better. The market for classical recordings was glutted with old product, new product wasn't selling, and the recording companies were focusing increasingly on short-term profits at the expense of any long-term commitment to artistic quality.

From that rather discouraging start, the EMF moved on to the possibilities that might exist for symphonic, opera and ballet institutions in the realm of new media, most notably the Internet. The group heard presentations from technical experts, copyright lawyers, media company executives, and entrepreneurs. It quickly became clear that the Internet was soon going to be capable of transmitting audio product of very high quality indeed. It was also obvious that no one—experts, company executives, or entrepreneurs—really knew how that capability could be put to best use, even though there were lots of schemes for putting music on the Internet. But the EMF did conclude that the primary importance of these new media technologies to our industry was to help promote our institutions' core activities: live performance and education, considered in its broadest sense.

The process moved from investigation to negotiation in January of 2000. The EMF (which had more than doubled in size from its original ten members), with the assistance of Paul Bouliant of Lodestar Associates and the Symphony Orchestra Institute, held four negotiating sessions of one to two days each. (Fred Zenone, vice-chair of the Symphony Orchestra Institute and former ICSOM chair, joined Bouliant as co-facilitator midway through the process.)

The negotiations were both challenging and fascinating. It is, of course, always challenging to negotiate, even over an existing agreement, but there, at least, one has a place to start. And both parties to an existing agreement have some understanding of the nature of production and the market for the product—albeit not always the same understanding. By contrast, this agreement would cover production of a product—Internet recordings and broadcasts of orchestral music and opera—which had barely graduated to its first set of diapers.

Negotiating an agreement to govern production of such an infant product—without knowing what the market for such product would look like, how big it would be, how soon it might develop, or which of the major e-commerce players would be left standing next week—was a task of formidable proportions. And, of course, there were stumbling blocks along the way that had nothing to do with intellectual challenges and everything to do with the lack of trust in our field between employers and musicians.

The fundamental understandings that the members of the EMF came to share during the negotiations were threefold. First came the belief that the best and quickest way to achieve the potential benefits of the Internet for symphonic musicians and their employer institutions was to give the institutions freedom to experiment with different ways to structure Internet recording deals and different ways to use audio product on the Internet. The EMF then agreed

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that such freedom could only be exercised wisely, and for the benefit of employers and musicians both, if the employers and musicians were true partners in *all* aspects of structuring those deals and deciding how to put our product on the Internet. Lastly came the belief that control of product made for the Internet must remain with us and our employers, and not be ceded to a third party. Our shared experience over the past few decades had proven beyond doubt that, once we gave up long-term control of our recorded product—the only permanent record of our institutions’ artistic achievements—it would not be used to advance our interests or those of our institutions.

From these beliefs flowed the core concepts of the new Agreement. The EMF decided that, rather than set all the parameters of ownership and compensation at the national level, we would empower musicians and managers at the local level to make many of those decisions. Any institution wishing to make Internet product must form a Local Internet Oversight Committee (LIOC) according to rules set by the Agreement. Those rules specify that the musicians on the LIOC must be elected, and that both management and musicians must agree to *all* aspects of a proposed deal to use audio product on the Internet before such a deal can be made, either within the institution or with a third party. “All aspects” includes, but is not limited to, compensation for musicians (both upfront payments and sharing of downstream revenues) and the content, marketing, and licensing of any product produced under this Agreement. The LIOCs have ongoing responsibilities as well: to monitor existing deals and to report on deals and problems to a national oversight committee, which will share the information with LIOCs in other institutions.

Equally important to realizing these shared beliefs are the limitations that the Agreement places on the licensing to, and control over, our product by third parties. The Agreement is biased towards control and use of product remaining with the institution (with decisions made by the LIOC). Third-party licensing is permitted, but with strict limits that encourage short license terms, and with ownership (and ultimate control) of the product remaining with the institution.

Over the course of the negotiations, the members of the EMF became acutely aware of the problems of negotiating a new media agreement while not undercutting existing AFM agreements. This new agreement supplements, but does not replace, existing AFM electronic media agreements, such as the Symphony, Opera and Ballet Audio-Visual Agreement and the Phonograph Record Labor Agreement. These AFM agreements remain in force and will continue to govern the creation of television programs, as well as the production of physical product (CDs, LPs, DVDs, audio or videotapes), which cannot be manufactured or sold under this Internet Agreement by our employers or any third-party licensees.

Other key points of the Agreement:

Only audio material from rehearsals and concerts may be used as product; ♦ Musicians will receive a 10% pension contribution

## Closing Cadence

**Polly Jane Curtis Kella**, 80, retired Honolulu Symphony violinist of over 30 years, passed away in Seattle on March 10, 2000. She was the daughter of famed photographer of the Pacific Northwest Asahel Curtis. Polly’s daughter Kathleen Kella was also a violinist in the Honolulu Symphony, and her son, John (Jake) Kella, played viola with the Metropolitan Opera Orchestra in New York and was a leader in the growth of the music medicine field.

**Harvey McGuire**, 85, retired oboist and English hornist of the Cleveland Orchestra, died from cancer in Cleveland on April 16, 2000. He is survived by his second wife, Emelia, three sons, eight grandchildren, and four great-grandchildren. Two of his sons, David and Richard, are also professional oboe and English horn players.

**Ted Allred**, 43, a violist with the San Antonio Symphony, died tragically in an automobile accident on July 21, 1999. He had previously played with the Montreal Symphony, the Santa Fe Opera Orchestra, the New Haven Symphony, the Riverside Quartet, the Soli Chamber Ensemble and the Olmos Ensemble. He was also the founder and artistic director of the Sierra Grande Chamber Music Festival in New Mexico.

**Milton H. Carter, Jr.**, 73, President of the Musicians’ Association of Hawaii, AFM Local 677, died of a sudden heart attack on April 25, 2000. Milton ably led the Honolulu Symphony musicians through 15 years of severe labor strife, and his caring leadership is widely credited for having kept the orchestra alive. He was recognized among ICSOM as a true friend and champion of orchestra musicians, and as a model union leader whose administration achieved the harmonious blending of labor union ideology with practical devotion to serving the needs of the members.

**Sigrid Fehrenbacher Clark**, 59, Oregon Symphony violinist for 37 years, recently retired, died February 12, 2000 of meningitis. Her husband, Bud Clark, was the mayor of Portland. Said Charles P. Duffy, who served as Bud Clark’s chief of staff, “When he was mayor, he would sit on the mezzanine at the symphony’s Sunday afternoon concerts, and he would watch her. All kinds of things could be happening in the city, but he would go see her play at the Sunday concert.”

**Edith (Mrs. George) Zazofsky**, 84, wife of ICSOM’s first chairman, George Zazofsky, died January 6, 2000. According to the Zazofsky’s daughter Erika, “without her encouragement and ideas, there would have been no involvement in ICSOM for my dad. It was like she was the bow for his violin—alone, neither accomplishes the task. Besides being a trained cellist herself at Curtis, she devoted her life to dad. And dad was all ICSOM. He thrived on its inception, breathed its development as a father would a child, and excelled at representing its beliefs and ideals.” Edith was a member of the Gomberg family—her brothers Ralph and Harold were first oboists with the Boston Symphony and the New York Philharmonic, respectively, and her brother Leo played with the Philadelphia Orchestra.

(continued on page 8)

# ICSOM Conference 2000

at the Galt House, Louisville, Kentucky

## ICSOM CONFERENCE AGENDA:

### Wednesday, August 23

9:00am – **Orientation Breakfast** for new Delegates with Governing Board

1:00pm – **Opening Session:** Officers' Reports; Keynote Address

7:00pm – **ICSOM Mixer:** Dinner cruise on the "Star of Louisville"

### Thursday, August 24

10:00am – Nominations for ICSOM Officers; **Workshop: Financial Analyses and Negotiations** (moderator: Leonard Leibowitz, with guests Ron Bauers and William Thompson)

2:30pm – **Workshop: Financial Analyses and Negotiations** continues

7:30pm – **ICSOM Town Meeting** (closed session – ICSOM Delegates and Governing Board only)

### Friday, August 25

10:00am – Committee Reports; **Panel Discussion: Local Union Democracy** (moderator: Bill Moriarity, Local 802)

2:30 pm – **Panel Discussion: Local Union Democracy** continues

7:00 pm – **Social Event:** Louisville Sluggers baseball game. Louisville Slugger Field is a few blocks from the hotel. This game will be the Battle of the ICSOM Cities, Louisville vs. Columbus.

### Saturday, August 26

10:00am – Election of ICSOM Officers; **Panel: The New Internet Agreement** (Brad Buckley)

2:30pm – **Panel: The New Internet Agreement** continues; Unfinished business; Adjournment

## STEPS TO ICSOM CONFERENCE 2000:

**1. Make your travel arrangements to Louisville.** ICSOM's official travel agent **Susan Levine** is available at

**CTS (Cassis Travel Services)**

200 West 57th Street, Suite 608

New York, NY 10019

Tel: 212-333-3633 x 515 or 800-726-2757

Fax: 212-333-3572 efax: 425-988-1437

email: suetravel@aol.com

**2. Book your hotel room directly with the hotel.** Attendees should make hotel reservations with

**The Galt House Hotel**

140 North Fourth Avenue

Louisville, Kentucky 40202

(502) 589-5200 / 1-800-843-4258

Fax: (502) 589-3444

email: info@GaltHouse.com

Ask for the reservations department between 7 am and 10 pm EDT. Have attendance dates and special roommate requests ready. The special ICSOM room rates per night are \$89 for a single, \$99 double, \$109 triple, \$119 quadruple. **Reservations must be made by July 22 to guarantee the special rates.**



## About LOUISVILLE:

- \* Hometown of The Kentucky Derby and the Louisville Slugger baseball bat
- \* International headquarters for Papa John's Pizza, Pizza Hut, KFC, Taco Bell, Humana and the Presbyterian Church USA
- \* Home to Ford Motor Company's largest assembly plant and UPS's international air hub
- \* Consistently ranks among top 10 best U.S. cities to live in by *Places Rated Almanac*
- \* Metro area population of 1 million

## A BIT OF HISTORY – AND ADVICE

by *Leonard Leibowitz, ICSOM Counsel*

With the recent spate of contract provisions relating to "Community Outreach Programs" (or similar designation), it would be good to remember some of the concerns of ICSOM and AFM a few years ago when the issue *du jour* among orchestra managements was orchestra splitting.

Many of you will recall that one of the issues then was management acting as a "booking agency" for small ensembles which usurped outside paid work which had been done previously by members of the orchestra or other members of the local union.

I am now fearful that, under the guise of an otherwise salutary program, the same usurpation might occur. Please be advised to keep an eye and ear out for such situations and keep in touch with the local union if you suspect that a given assignment of your outreach program may fall into that category. Indeed, if your contract does not already have language to protect against such occurrences, I would recommend trying to insert the following, either in the midterm of the collective bargaining agreement (by way of a side letter) or at the next negotiation:

**"No musician shall be required to accept an assignment under this Program which would result in depriving any musicians, whether members of this orchestra or not, of paid employment which they have previously enjoyed."**

## The Nonprofit Paradigm

by Marsha Schweitzer  
Editor, Senza Sordino

*“We’re only a nonprofit. We depend on the charity of others, so we can’t afford to pay you as much as you (or we) would like.”*

How many times have we heard this, or statements like it? Have we heard this so often that we have bought into it out of the sheer force of repetition? Have we ever looked into the validity of the assumptions behind this rhetoric?

The nonprofit, tax-exempt organization is a distinctly American phenomenon. U.S. society has three sectors: the public sector, which is government; the private, or for-profit, sector; and the nonprofit sector, which straddles the other two. In most other countries there are only two sectors, public and private, with social welfare and support for other public interests handled mostly by government.

Beginning in 1894 and continuing through 1997, the U.S. Congress enacted a progression of laws that provided federal tax exemption for many kinds of nonprofit organizations, often in recognition of what has become known as the “public policy rationale:” relief from taxation is justified by the fact that “the nonprofit sector serves as an alternative to the governmental sector as a means for addressing society’s problems.”<sup>1</sup> In effect, the operation of nonprofit organizations under the public policy rationale represents the U.S. government’s first foray into privatization of government services, which explains why government subsidy of nonprofit activity is legitimate and appropriate, that activity being work that government would have to do all by itself, were the nonprofit sector absent. The public policy rationale clearly applies to the nonprofit arts in America, given the influence of European cultural mores, such as the traditional dependence of the arts on government, on the laws and policies of the United States.

The laws that created tax-exemption for certain organizations added a variation on the capitalistic theme of American business, but they did not create a structural or operational difference between for-profits and nonprofits. The absence of a profit motive does not require an absence of profit. “In fact, it is quite common for nonprofit organizations to generate profits. The definition of nonprofit organization essentially relates to requirements as to what must be done with the profits earned. . . . The U.S. Supreme Court wrote that a ‘nonprofit entity is ordinarily understood to differ from a for-profit corporation principally because it is barred from distributing its net earnings, if any, to individuals who exercise control over it, such as members, officers, directors, or trustees.’ ”<sup>1</sup>

“The legal concept of a nonprofit organization is best understood in comparison with a *for-profit* organization. The essential difference between nonprofit and for-profit organizations is reflected in the private inurement doctrine. Nonetheless, the characteristics of the two categories of organizations are often identical, in that both mandate a legal form, one or more directors or trustees, and usually officers, and both of these types of entities can have employees (and thus pay compensation), face essentially the same expenses, make investments, may enter into contracts, can sue and be sued, produce goods and/or services, and as noted, generate profits.”<sup>1</sup>

Making a profit is no more assured in the for-profit sector than in the nonprofit sector, as the high for-profit bankruptcy rate attests. The same forces of law and economics apply to both. In fact, for-profits may be on even more precarious financial footing than nonprofits in the marketplace, because for-profits must sink or swim based on the competitive quality of their products or services. “Because there is no comparable measurement for most nonprofit programming, program failure goes unrecognized. Worse, it goes unpunished. In for-profit environments, the market rewards entities with profit and survival. With financial profit relegated to a lower priority, and with the exit door effectively blocked by a combination of legal, political, and cultural factors, there is no equivalent judge for nonprofits. . . . Large nonprofit groups rarely go out of business because it is usually possible to persuade one more source of capital to contribute.”<sup>2</sup>

“The truth of the matter for some nonprofit services is that, from society’s perspective, it is enough simply that the services exist and not that they be of some particular level of quality. Halfway houses for former offenders are a good example. The average citizen doesn’t care much for the niceties of halfway house performance, just whether the program exists or not.”<sup>2</sup> Lew Waldeck, former director of the AFM Symphonic Services Division, describes a parallel to this in the orchestra field, calling it the “Chamber of Commerce” Symphony Orchestra. Many cities have one, often unbeknownst to most of the city’s citizens, orchestra patrons, and even musicians. It exists where community leaders are willing to help fund the local orchestra, but not very much—not enough to establish any particular reputation for quality in artistry or community service—just enough to be able to say, for political or business development reasons, that the city has an orchestra of some kind.



*“Nonprofits don’t sell stock, so they have no owners.”*

The rationale for the existence of nonprofits tells us who the owners of a nonprofit are. “In the nonprofit public charity world there can be no ‘owners’ in the legal sense even though the accounting operates the same way. So the surrogate owner of a nonprofit’s equity is . . . society. Seems fair. After all, society via its government has voluntarily agreed to refrain from taxing the profits made

<sup>1</sup> Bruce Hopkins, *The Law of Tax-exempt Organizations* (1998)

<sup>2</sup> Thomas A. McLaughlin, *Streetsmart Financial Basics for Nonprofit Managers* (1995)

<sup>3</sup> *The Benefactor*, Fidelity Charitable Gift Fund (March 2000)

by this type of corporation with the expectation that it will do some public good in return.”<sup>2</sup>

So, the owners of a nonprofit are society. The biggest shareholders are those members of society who are donors to the organization, and particularly those who are donors to the endowment or reserve fund. These donors provide investment capital to a nonprofit much as stockholders, partners, and sole proprietors provide it to for-profits. “In a way, the nonprofit capital campaign is the equivalent of a stock offering for a for-profit company.”<sup>2</sup> In both nonprofits and for-profits, the board of directors is elected by and represents the owners, and has the power of the owners’ money behind it.

A distinction needs to be made between capital and other forms of organizational income. Investment capital is money available to the organization largely over and above the revenues received directly in association with and required for the production of the organization’s products or services. In for-profits, that capital is called stock or owner’s equity; in nonprofits it usually takes the form of an endowment, trust, or operating reserve fund. Fixed assets such as real estate, leasable equipment, and other property that can generate income or reduce operating expenses also play a role in capitalization. In any business, capital is a pool of assets that can be invested, borrowed, or used as collateral to position the organization for future growth, diversification, and stability.



In his excellent book *Streetsmart Financial Basics for Nonprofit Managers*, Thomas A. McLaughlin describes three ways of getting capital into any organization: 1) making profits, 2) borrowing, and 3) selling stock (capital fundraising, in nonprofit terms).

One measure of the value of a for-profit corporation is the value of its outstanding stock. Similarly, the value of a nonprofit can be measured by the value of its endowment, cash reserves, and other capital assets. Add to this bedrock of investment capital the value of long-term debt and retained earnings (profits), and you have the total capitalization of the company.

McLaughlin provides marvelous insight into the importance of investment capital, which we in nonprofits usually overlook as we fixate on short-term cash flows and deficits: “Any organization can lose money during a given year and still escape with relatively little damage. It can even do it several years in a row. For any kind of business entity, the real bottom line is the inability to get capital into the organization. For nonprofit corporations, that happens when no bank will loan any more money and no philanthropist will donate any more funds. For for-profits, it means no more credit, but it also means no one is willing to buy the stock anymore.”<sup>2</sup>

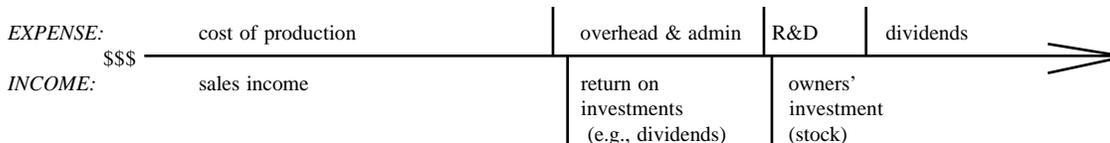
“Perhaps you can now see the Great Divide among nonprofit organizations, or the line between those with regular access to traditional capital markets and those without. The difference is dimly experienced by the latter as a feeling that their colleagues on the other side of the line are ‘different’ from them, although in exactly what way other than sheer size is usually not clear. A big reason for this feeling of differentness is the fact that, in capital finance terms, they *are* different.”<sup>2</sup> Thus it is clear that the major difference in finances from one company to another is not whether the company is nonprofit or for-profit, but whether it is properly capitalized or not.

A company that has no internal cash resources and does not make a profit has no choice but to borrow to get cash. Stock investment and borrowing are similar in the way they affect a company’s operation. If the market value of a company’s stock drops 10% in one day, that is akin to 10% of the company’s loans being called that day. Where does the money come from to repay the loans, with interest, or to replace the working loan capital? It most often comes from cuts in research and development (R&D) or other “nonessential” projects, workers’ salaries and benefits (pay cuts, layoffs, outsourcing and subcontracting), corporate welfare from government, profits (undistributed dividends), or sometimes as a last resort, executive salaries. This formula to address undercapitalization has found the same applicability in nonprofits as in for-profits.

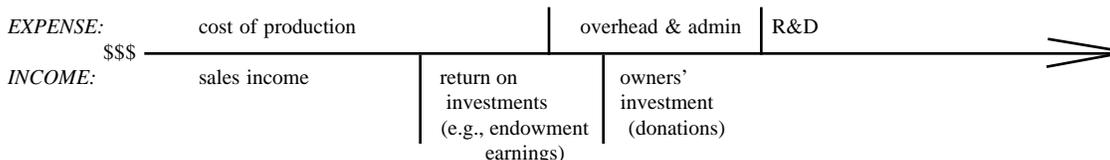
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**ORGANIZATION INCOME RELATIVE TO ORGANIZATION EXPENDITURES**

**FOR-PROFIT**



**NONPROFIT**



*The nature of corporate income and expense in nonprofits and for-profits is almost identical. The differences between nonprofit and for-profit finances are not of kind, but of degree. Both types of organizations depend on capitalization to succeed; in fact, this chart shows that nonprofits are generally more dependent on adequate capitalization than for-profits are.*

(THE NONPROFIT PARADIGM – continued from page 5)

To put the nonprofit world in perspective, it should be noted that only one kind of nonprofit routinely relies on charitable donations—literary, scientific, educational, religious, or charitable organizations under IRC Section 501(c)(3). Arts organizations usually fall in this category, but many other kinds of nonprofits do not, including labor unions, trade associations, credit unions, fraternal organizations, employee benefit plans, and social clubs. These organizations may not offer tax deductions for charitable contributions and are expected to survive the same way for-profits do—by making a profit from the sale of products and services.

For-profits, like nonprofits, often do not make enough on sales alone to cover the costs of production and overhead, and routinely resort to McLaughlin's other sources of cash—borrowing and investment—to make up the difference. Just about every business, from the "Mom & Pop" grocery store to the *Fortune* 500, has had an occasional year or two in which they made no profit and actually took a loss, thus facing the same financial scenario that most nonprofits consider the norm.

But every business must make a net profit, by some definition, over the long term to survive. Any business that doesn't will eventually go under, not so much due to lack of money (which is only a symptom of the problem) as to prospective investors' lack of confidence in the organization's present capacity and future prospects. As McLaughlin says, "For any kind of business entity, the real bottom line is the inability to get capital into the organization." Thus, complete capitalization for most nonprofits means having access to a capital reserve of a size that would enable the organization to break even or better utilizing only operating revenues (ticket sales and fees, in the case of orchestras) plus return on investment (endowment income, for example).



A representative of a major art museum once explained to me that a position of financial strength is a great advantage for fundraising of all kinds, investors responding to the psychology of comfort and confidence in backing a winner—the same psychology that motivates investment in the stock market. By contrast, a desperate organization in desperate need of immediate cash to meet its current budget chases away donors by that very condition, much as a drowning swimmer flailing in the water repels those who might otherwise be able to help. Ironically, organizations that could get by without the money have an easier time raising it than those whose immediate survival depends on it.

Most orchestras lie somewhere between the fully capitalized organization and the drowning swimmer

flailing in the water; from a pragmatic point of view, orchestras as charitable nonprofits do depend to a greater or lesser extent on donated funds. We must be careful, however, how we characterize those funds, both to donors and to ourselves. We must not beg for them; they are not handouts. Orchestras and other arts organizations produce valuable services and earn those donations, just as for-profit companies earn the confidence of their investors with good products and good financial performance. (Just as orchestra

## How to Capitalize An Orchestra

### The Cleveland Orchestra

recently announced the successful completion of its 5-year, \$100 million capital drive, and has demonstrated in the process three ways to capitalize an orchestra all at the same time. A lobby display (shown here) includes a placard informing concertgoers that, as of September 28, 1999, the organization had raised \$29.3 million in new endowment principal, \$33 million for the renovation of Severance Hall (a scale model of the renovated hall



and surroundings is shown in the foreground), and \$34 million for the operating fund. At the end of 1999 the Orchestra reported having raised \$115.9 million, exceeding its goal by \$15.9 million and seeing its endowment fund grow from \$83 million to \$155 million in the process. This new capital will allow the Cleveland Orchestra to enter the 21st Century positioned for sustained artistic and organizational quality.



The value of real estate, when well-managed, cannot be overestimated in the capitalization equation. It is not surprising that universities, hospitals, and, among arts organizations, museums, tend to be the most financially stable institutions, in large part because their physical plants give them a tangible identity and focus, and also because their valuable real property assets are perennially available to leverage periodic economic downturns.

If an orchestra owns its own hall, it can, at the very least, control the cost and availability of its performing venue, which has a long-term stabilizing effect on operations. (Many orchestras who are dependent on municipal facilities have discovered in recent years the crippling effects of not having that kind of control.) Also, the property can be used as collateral, providing cash for operations at the more favorable mortgage or equity loan interest rates rather than the higher rates for most other types of loans. A well-planned building can also make money for its owners if space in the building and parking areas can be leased for restaurants, offices, retail shops, or special functions, sometimes even allowing the building to make a profit, potentially reducing the orchestra's production cost for its performing space to \$-0-.

musicians work and earn their paychecks; their salaries, even though paid by a nonprofit, are not charity.) That the fees received directly from the sale of services of a nonprofit do not equal or exceed the cost of producing them is not a result of poor quality, mismanagement, or obsolescence of mission, but rather of the public policy rationale behind the organization's reason for existence—pricing the product so as to allow broad public access to vital community services.

Donors give to the arts in gratitude for the beauty artists bring to the world. When such donations are rewarded with continuing and increasing artistic and financial health, and when making such donations becomes a habit, the donor develops a sense of responsibility to and an expectation of value from the organization that fosters that beauty—indeed, the donor becomes an *investor*. The personal attachment to the organization that such donations bring to the nonprofit investor is just as strong as that which comes with for-profit investing. A stock purchase and a contribution to a nonprofit are both demonstrations of an investor's faith in the potential rewards to be gained from the good work of the company.

The language, as well as the mindset, of for-profit investing has entered the world of nonprofit philanthropy. In reporting on a Boston College study that predicted a dramatic increase in philanthropy over the next 50 years, *The Benefactor*, newsletter of the Fidelity Charitable Gift Fund, says, "Some of these new donors have been dubbed 'venture philanthropists.' These donors have a more entrepreneurial approach to philanthropy and expect to see measurable nonfinancial results from their 'investments' in charity."<sup>3</sup> In light of this trend, it makes perfect sense for a mutual fund company like Fidelity Investments, experienced in the business of assisting clients in their for-profit investing, to have moved so seamlessly with their Charitable Gift Fund into helping clients with their nonprofit "investing" as well.



The nature and function of for-profit and nonprofit businesses will likely continue to converge, "... particularly when the lines of demarcation between nonprofit and for-profit organizations are blurring. Nonprofit organizations are becoming increasingly reliant on revenue in the form of fees for services. For-profit organizations are more concerned than ever about their public image and the extent to which they can provide assistance to their communities. For-profit organizations are entering domains of producing and providing services that were once the sole province of nonprofit organizations. Laws are changed to promote greater parity between the sectors, such as the Office of Management and Budget regulations, which require tax-exempt organizations pursuing government contracts to calculate tax revenues foregone. Management of nonprofit organizations is becoming more sophisticated."<sup>1</sup>

"Two categories of charitable organizations continue to evolve: those that are supported largely by gifts (donative organizations) and those that are supported principally by exempt function revenue (service provider organizations). As this trend continues, it will force in new pressures on the concept of tax exemption. New rationales for exemption may emerge. The battles that are build-

ing over the ground rules for tax exemptions for hospitals and credit unions must be appreciated from this perspective. A sort of 'domino theory' may be in the works in this setting. One commentator is of the view that 'if nonprofit hospitals lose their exemption, federal corporate tax exemption for most or all of the second [commercial] nonprofit sector may then be in doubt.'<sup>1</sup>

The finances and operations of nonprofit and for-profit hospitals are virtually indistinguishable. A doctor or nurse performs the same procedures under the same professional health care protocols and earns roughly the same wage, whether working at a for-profit or nonprofit hospital. Similarly, a musician might play a nonprofit opera performance or a symphony concert of opera arias one night, and the next night play the same music in the same venue under the same union wages and conditions, sometimes even for the same employer, in a for-profit Pavarotti tour concert.

If the "Grand Ol' Opry" is taxed on the profits it makes on Kenny Rogers, why shouldn't a symphony orchestra be similarly taxed on the profits it makes when presenting him? Why should *Phantom of the Opera* and other Broadway shows be taxed, but not nonprofit musical theater, especially if these productions are presented in the same theatres at similar ticket prices, and sometimes with much the same orchestra in the pit? These are the kinds of questions that could be asked if the reanalysis of federal tax-exemption laws that Hopkins alludes to regarding hospitals and credit unions moves into the arts and entertainment arena.

President Bill Moriarity of Local 802 remarked at last summer's ICSOM Conference that he has participated in negotiations with about equal numbers of nonprofit and for-profit employers, and he couldn't tell the difference between them. The reason is that, in most ways, there is no difference.



Congratulations to those of you who are still with me at the end of this somewhat technical discourse. And for those of you who jumped to the last paragraph hoping for a salient closing line, here it is. If there is one thing that musicians should remember about nonprofits, it is this, from the U.S. Tax Court:

*One court observed that the "law places no duty on individuals operating charitable organizations to donate their services; they are entitled to reasonable compensation for their efforts."*<sup>1</sup>

This means musicians, too.



**MARSHA SCHWEITZER** is a Founder and Incorporator of three nonprofit organizations; a current or former Manager/Executive Director of four nonprofits; a current or former Treasurer/CFO of four nonprofits; a current or former Officer/Director of seven nonprofits; an Administrative Consultant to three nonprofits; the Sole Proprietor of two for-profit businesses; a General Partner in one for-profit partnership; a Fiduciary/Trustee/Donor Advisor of three nonprofit charitable trusts and two for-profit trusts; an Owner of numerous for-profit businesses through investments in the stock market; and an Owner of numerous nonprofits through gifts and loans of charitable investment capital.

(NEW INTERNET AGREEMENT – continued from page 2)

to the AFM-EPF on all payments under the Agreement; ♦ No disciplinary action may be taken by management against musicians on the basis of product produced under this Agreement; ♦ No product produced under this Agreement may be used to replace musicians in performance; ♦ EMGs may be credited only against upfront payments that are not advances against future shared revenue; and ♦ There must be a minimum upfront payment to each participating Musician of 6% of weekly scale (or 48% of per-service scale) if the project includes any of the following terms: 1) The musicians are not entitled to revenue participation payments; 2) the product is licensed for more than seven years; or 3) the control (i.e. the right to exploit) the product is neither retained by the Employer nor reverts to the Employer at the end of the license period.

The members of the EMF, over the course of 16 months of intensive discussion, came to believe that the Internet represented an historic opportunity for orchestras and opera and ballet companies. But historic opportunities often require us to think differently about how we do business. This agreement both represents such new thinking and allows our institutions—but only with our consent and participation—to maneuver in this new world. ♪ ♫



I enjoyed working with you at the AFM Western Conference and appreciate your kind words about my presentation. Thank you for sending me *Senza Sordino*. I enjoyed reading it and would be pleased to be placed on its mailing list. ICSOM is certainly involved in some cutting edge issues and the newsletter helps to broadcast that fact.

*Paul F. McCarthy*  
President, Collective Bargaining Associates  
labor union consultant to the AFM



I would not usually write in response to reading *Senza Sordino*, but I read “The ICSOM Imprint” [January 2000] and wanted you to know how beautifully you put into words an experience I’ve had myself. All the best to you, with my thanks.

*Wanda Lydon*  
violinist, San Antonio Symphony



I thought the article by Tina Ward in this last issue of *Senza Sordino* was excellent. Empty seats at concerts are a growing concern!!

It is nice to know a bassoon player is the Editor of *Senza Sordino*.

*Marcia Blalack*  
Secretary, AFM Local #1, Cincinnati, Ohio  
(and a bassoonist)

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

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**The ICSOM Website**  
<http://www.icsom.org>



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# Senza Sordino

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## Who Represents You?

At last summer's ICSOM Conference the Louisville Orchestra Musicians' Committee conducted a survey regarding orchestral musicians' representation structure—who represents musicians, and how those people relate to the musicians they represent and to each other. Each ICSOM delegate was asked to complete a survey as it pertained to his/her orchestra. This information was compiled by the Louisville Orchestra Musicians' Committee and submitted by ICSOM Delegate Trevor Johnson. Here are the results:

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### MUSICIAN REPRESENTATION SURVEY RESULTS

#### PERSONNEL MANAGER:

1.	Is your Personnel Manager a member of your orchestra?	YES	26	NO	22
2.	Is your Personnel Manager a member of your local?	YES	37	NO	11
3.	Does your Personnel Manager contract outside jobs?	YES	16	NO	32
4.	Is your Personnel Manager at the table as part of the mgt. negotiating team?	YES	15	NO	33

#### ICSOM REPRESENTATIVE:

1.	Is the ICSOM Rep. automatically a member of your orchestra committee?	YES	8	NO	40
2.	Is the ICSOM Rep. a voting member of your orchestra committee?	YES	14	NO	34
3.	Is your ICSOM Rep. automatically on your negotiating committee?	YES	4	NO	44

#### ORCHESTRA STEWARD:

1.	Does your orchestra have a shop steward?	YES	16	NO	32
2.	Is your shop steward paid by the local?	YES	16	NO	32
3.	Is your shop steward a voting member of your orchestra committee?	YES	3	NO	45
4.	Is your shop steward automatically a member of your neg. committee?	YES	2	NO	46
5.	Is your shop steward elected by the Musicians of the orchestra?	YES	5	NO	43
6.	Is your shop steward appointed by your orchestra committee?	YES	2	NO	46
7.	Is your shop steward appointed by your local?	YES	9	NO	39
8.	Is your shop steward appointed by your local upon the recommendation of your orchestra committee?	YES	7	NO	41

#### LOCAL UNION REPRESENTATION:

1.	Does your orchestra have representation on the board of your local?	YES	30	NO	18
2.	Do any members of your orchestra serve as executive officers of your local?	YES	14	NO	34
3.	Are any members of your orchestra AFM Convention delegates?	YES	13	NO	35

#### GENERAL QUESTIONS:

1.	Does your orchestra have a separate negotiating committee?	YES	23	NO	25
2.	Does your orchestra engage a local attorney for negotiations?	YES	26	NO	22
3.	Does your orchestra engage an AFM negotiator for negotiations?	YES	1	NO	47
4.	Does your orchestra engage an ICSOM attorney for negotiations?	YES	12	NO	36
5.	Does your orchestra engage a Public Relations/Media consultant?	YES	11	NO	37

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From "Symphoniphobias" by Glen Morley, former cellist and librarian of the Rochester-Philharmonic. The cartoonist depicts this conductor as "a combination of Musical Genius, Matinee Idol, Glamour Boy, Diplomat, and Ballet Dancer." (contributed by Morris Secon, Rochester Philharmonic hornist, retired)

### **SAG and AFTRA Strike Advertising Industry**

On May 1, the Screen Actors Guild (SAG) and the American Federation of Television & Radio Artists (AFTRA) went on strike against the major national advertising agencies who hire actors to perform in TV commercials.

The Screen Actors Guild and the American Federation of Television & Radio Artists are seeking "pay for play" residuals for cable TV ads, creation of a monitoring system and jurisdiction over the Internet; advertisers want a revamp of network TV ad payments through a "guaranteed residual" system of upfront payments. "The advertisers' proposal is a great pay cut for our people," said SAG president William Daniels. "We are not going to take that kind of cut in this era of prosperity."

Many actors expressed anger over what they see as an assault on the 40-year-old system of residuals. "All we want is what we've always gotten, and what they're proposing has a very greedy ring to it," said James Coburn, who has performed extensively in voice-over for ads in recent years after he began suffering from arthritis. "Voice-overs saved my life, so I'm part of this thing."

"People have such fantasies about us that when we're not on screen, we spend our time lying by our swimming pools when the truth is that most SAG members have trouble paying their bills," said Finunla Flanagan. "I think it's marvelous that there's such a show of solidarity." (*Reprinted with permission of Variety, Inc. © 2000 7/5/00*)

### **Advertisers Shut Down**

#### **Commercial Contract Negotiations**

Despite the best efforts of federal mediators to restart full negotiations on a new commercials contract between the Screen Actors Guild (SAG), the American Federation of Television and Radio Artists (AFTRA) and the Joint Policy Committee (JPC) of the Association of National Advertisers (ANA) and the American Association of Advertising Agencies (AAAA), the meetings held in New York on July 20 and 21 ended with no reported progress and no new sessions scheduled.

"The unions significantly modified their key cable proposal. The advertisers refused to make any changes in any of their demands. They are the ones who failed to take these sessions seriously. The responsibility for the continuance of this strike clearly rests on their shoulders alone. We were here and we were ready to negotiate toward a settlement of this strike," said John McGuire, SAG chief negotiator.

"It's now obvious that the ad industry's main concern here is not the particular issues in this contract. They're stalemating on them. It's been well documented the industry is making record-breaking profits and can easily afford to negotiate with us for fair wages and working conditions. It seems their ultimate goal here is to gut our contract and bust our unions," said Mathis Dunn, chief negotiator for AFTRA. This is now the longest commercial strike in SAG's history. (*Reprinted with permission of AFTRA 7/21/00*)

### **U.S. Supreme Court Expands Basis for Job-bias Suits**

In a ruling that could have an enormous impact in the workplace, the Supreme Court ruled to make it easier for employees to prove they were victims of on-the-job discrimination, or at least to get their claims before a jury. Employees can win such lawsuits without direct evidence of an employer's illegal intent, the court ruled unanimously.

The decision in this case (*Reeves vs. Sanderson Plumbing*, 99-536) reinstated an award of nearly \$100,000 won, and then lost, by a Mississippi man who said age discrimination cost him his supervisory job. The decision is likely to extend beyond age-bias disputes and carry enormous practical impact for all other forms of employment-bias lawsuits as well.

In a series of employment-bias decisions, the nation's highest court has imposed various requirements on employees who say they were treated illegally. They must show they were subjected to adverse treatment and that the employer's asserted reason for such treatment was phony.

But federal appeals courts have disagreed on a key point: Whether employees who discredit an employer's stated reason must also offer proof of an illegal motive, such as bias based on age or race or sex. On June 12, the Supreme Court said proof of an illegal motive is not always required.

Writing for the court, Justice Sandra Day O'Connor said a federal appeals court wrongly relied on "the premise that a plaintiff must always introduce additional, independent evidence of discrimination." Government lawyers argued that direct proof of illegal motives is not always needed for bias lawsuits to succeed. Various civil rights groups also sided with Reeves, while employer groups including the U.S. Chamber of Commerce supported Sanderson Plumbing. (*Reprinted with permission of The Associated Press 6/12/00*)



### **The 2000-2001 ICSOM Directory – Ready, Set, Go!**

Delegates will receive information regarding updating the ICSOM Directory for its 2000-2001 printing at the August ICSOM Conference in Louisville. The deadline for submitting new information, changes or deletions to Mary Plaine, ICSOM Directory Manager, is November 10, 2000. If you have not received a Directory correction sheet from your ICSOM delegate by the end of October, please speak to your delegate or contact Mary Plaine directly. If you are an Emeritus and wish to make a change to your listing, please contact Abe Torchinsky or Mary Plaine. Abe's and Mary's phone numbers and e-mail addresses are listed on the back of this issue of *Senza*. Delegates, please do not forget to include new Emeriti when submitting your updated information to Mary.

## Newslets

In the Pittsburgh *Post-Gazette* (May 30, 2000) Andrew Druckenbrod wrote, “**Pittsburgh Symphony violist Stephanie Tretick is what you’d call multi-talented.** Not only does she teach viola and violin at Chatham College, she plays the horn for the Edgewood Symphony Orchestra and has been known to sing opera.” As if that weren’t enough, he adds, “Now she has added composing to her repertory, recently authoring counterpoint duet parts for eight of the famous Kreutzer Etudes for the violin. Tretick’s next project is an arrangement for viola of Mozart’s horn concerto, K. 417.” [But, I wonder, do horn fingerings work on the viola? – Ed.] For relaxation in her spare time, Stephanie serves as ICSOM Treasurer.



**The Trustees of the American Federation of Musicians and Employers’ Pension Fund are pleased to announce a 7% increase in all Fund benefits, effective retroactively to January 1, 2000.** The benefit increase applies both to benefits paid to current pensioners and beneficiaries and to future benefits payable to participants who have not yet begun to receive a pension.



In the last issue of *Senza Sordino*, the cover story, “New Internet Agreement Reached,” failed to indicate that, although a tentative agreement had been reached between the negotiating parties, it had not yet, at that time, been ratified. *Senza* apologizes for jumping the gun. On July 13 it was announced that the **Internet agreement had been ratified** by majority vote of the musicians whose orchestras were party to the negotiations.



If you are a computer user, you are probably already subscribed to **Orchestra-L, ICSOM’s email news and discussion list.** If not, you missed out on some interesting discussions recently, such as the one about punishment by opera, or about picking at scabs, or Norman Lebrecht’s predictions on the future of the recording industry. The welcome message to new Orchestra-L subscribers says: “Orchestra-L is a project of ICSOM. It is open to unionized orchestral musicians and related unionized professionals only, and is intended as a forum for them to share their professional concerns and exchange information and ideas.” It’s not too late to get in on the action. To sign up, send an email message to Robert Levine at [rtl@icsom.org](mailto:rtl@icsom.org) asking to be added to the list.



## ICSOM Conference 2000

ICSOM Conference 2000 will take place August 23 - 26 in Louisville, Kentucky. Delegates should have made all travel arrangements by now. *Last-minute attendees:* You may book your hotel room directly with the hotel: **The Galt House Hotel**, 502-589-5200 or 800-843-4258. Email: [info@GaltHouse.com](mailto:info@GaltHouse.com). If you are planning to attend the Conference but will not be registered at The Galt House, please notify Conference Coordinator Trevor Johnson so that he will know you are coming and can prepare a name badge and appropriate materials for you. Trevor can be reached at: 502-583-7351 (voice), 502-583-7355 (fax), or [trevoboe@msn.com](mailto:trevoboe@msn.com).

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Pittsburgh Symphony Orchestra  
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San Francisco Ballet Orchestra  
San Francisco Opera Orchestra  
San Francisco Symphony Orchestra  
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# Senza Sordino

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## Introspection At ICSOM

As ICSOM approaches its 40th birthday in the year 2002, it has begun a ritual of maturation—ICSOM has set about to inspect itself, review its history, assess its present, and rechart a path for its future.

In looking back to the past, it is clear that ICSOM has been a wildly successful organization. ICSOM was founded in the 1960s by a group of orchestra musicians who were union activists and dissidents, seeking first to harness their union into their service, and then use that new union strength to better the conditions of their employment.

The incredible strides that orchestra musicians have made over the last forty years is testament to the success of ICSOM on both the union and employer fronts. Within the union, the voice of ICSOM has been increasingly heard and respected throughout the AFM hierarchy. Many orchestra musicians are now serving in leadership roles in their local unions, as delegates to the AFM Convention, and in other capacities of national union influence. We have entered a period of relative calm with the AFM, dialogue between the AFM and ICSOM having reached a level of reason and respect, if not always complete agreement. The biggest remaining issue in ICSOM's relationship with the AFM is the formalization of the role of the player conferences, including ICSOM, in the governance of the AFM. Although all is not perfect in AFMland, we have come a long way from the day when an AFM official said about ICSOM, "We will crush you like ants."

Our relationships with our employers, although still rocky in some places at some times, has also been revolutionized in the last forty years. In the embryonic days of ICSOM, musicians could be fired at the drop of a hat, working conditions were controlled solely by whim of management, wages were uniformly low, and there

were no orchestras with year-round seasons. Musicians in the New York Philharmonic drove cabs during the off-season to make ends meet; Cleveland Orchestra members sold encyclopedias and Fuller brushes door-to-door. Now there are 19 orchestras in the U.S. with 52-week seasons,

and dozens more with shorter seasons that also pay a reasonable living wage. All ICSOM orchestras, now fifty-strong, have benefitted from ICSOM's help over the years to achieve major gains in pay, working conditions, benefits and job security. Working in an American orchestra today is a safe, rewarding and respectable profession, largely due to the efforts of ICSOM.



*Ronald J. Bauers MBA, MPA, CMA; Professor, University of Nebraska; consultant to the SSD on orchestra finances*

So, are all of the problems of orchestra musicians now solved? Where does ICSOM go from here? These were some of the questions asked at ICSOM Conference 2000 in Louisville, Kentucky during the last week of August. ICSOM Chair Robert Levine set the agenda in his opening remarks, putting ICSOM under the dissecting microscope and identifying five traditional functions of ICSOM—advocacy,

representation, gathering and providing information, advising, and networking. He urged the delegates to think about the applicability of these five functions to the present and future ICSOM, and to think about how ICSOM might, or might not, need to change in the new millennium.

The microscope saw more use the next day, this time to study numbers, dollars, and what to do with them. Ron Bauers,

*(continued on page 2)*



*ICSOM President Dave Angus*

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orchestra financial analyst, explained the intricacies of orchestra financial statements and financial management, and William Thompson, public relations expert, described how to use that financial data to make the musicians' economic case to the public, including orchestra donors, audience, and government.

Further dissection of ICSOM and the role it plays in our industry followed on Friday, beginning with Paul Boulian and Fred Zenone of the Symphony Orchestra Institute picking up where Robert's opening address left off, leading a session titled, "ICSOM's Role in the Orchestra Industry." Paul and Fred asked provocative questions to stimulate discussion among the group about the place ICSOM will hold in the music industry of the future.

The working musicians' influence on the union was the topic of a panel on "Making Your Local More Democratic." Panelists from locals in New York, Los Angeles, Pittsburgh and Honolulu described the role that working musicians played in reforming their locals, in most cases ousting corrupt or unresponsive regimes. In each case reform was accomplished a little differently—in New York, the movement was started by club date musicians, later joined by theater musicians; in Los Angeles by theatre and recording musicians; in Pittsburgh by symphony, opera and ballet musicians; and in Honolulu by union staff members. In all cases, however, no matter which group within the union spearheaded the charge, all working musicians benefitted.

ICSOM then took a break from its inward probing to look outward toward the labor community in Louisville. ICSOM Conference participants flexed their labor muscle and joined a Jobs for Justice rally for the nurses at Audubon Hospital, who have been fighting for 11 years to get a union contract. A brass quintet



*Louisville orchestra member Judy Wilson shares her local knowledge with Virginia Symphony ICSOM delegate John Paul Lindberg while cruising the Ohio River.*



*The Nashville contingent – Laura Ross (L), Nashville Symphony union steward, and Deidre Bacco, ICSOM delegate – enjoy their first ICSOM mixer. Two weeks earlier, Laura had been named ROPA Secretary Emerita, having resigned as Secretary of ROPA in anticipation of her orchestra's joining ICSOM.*

composed of ICSOM musicians Charles Schlueter (Boston), Brian Rood (Kansas City), Dave Angus (Rochester), Michael Moore (Atlanta), and Ron Horton (Louisville) performed with marvelous effect at the rally. (See page 6.)

The last day of the Conference looked squarely into the future—into cyberspace—with discussion of the newly negotiated orchestra Internet agreement. While there were differing views expressed about the new concepts embodied in the agreement, it was understood that this experimental agreement blazes a trail through a rapidly changing new media frontier, and that whatever doesn't work can and will be changed at the next negotiation. Lengthy discussion produced consensus that the hasty Internet agreement ratification process was not effective for many orchestras, and the AFM media negotiators agreed that they would try to avoid such a rushed process in future ratification votes.

All current ICSOM officers were reelected to their positions, and the Nashville Symphony and the Virginia Symphony were inducted as new members of ICSOM. Near the end of the Conference ICSOM took another step into the future by approving its reorganization as a non-profit corporation.

(Heretofore ICSOM had operated as an unincorporated association.) This change will clarify ICSOM's relationships with the IRS and the AFM, reduce ICSOM's exposure to liability, and eventually provide a mechanism for project expansion and greater accessibility to charitable funds. Speaking of funds—the near-final act of the ICSOM Conference was to raise \$1040.00 for TEMPO, the AFM's political action committee.



*After the labor rally, ICSOM Conferencers unwound at the ol' ball game. This was a AAA minor league matchup, the Louisville home team defeating the visitors from up north of the river – another ICSOM city – Columbus.*



## Florida Philharmonic Settles Under Duress

*On Saturday, October 21, the management of the Florida Philharmonic issued an ultimatum to their musicians: Accept management's final offer, in toto, without further negotiation, by the next day, Sunday, or the board would dissolve the organization on Monday. The Florida Philharmonic strike ended that Sunday, the musicians taking the only course left open to them. The contract that was agreed to, extracted by management holding a gun to the heads of musicians and a community held hostage, contained increases in wages, but also concessions by the musicians in many areas.*

*This story was submitted by the Florida musicians as Senza Sordino was going to press, but just before the sudden settlement. The rest of the story—management threats to cancel the season, the musicians' offer of binding arbitration, and management's refusal of arbitration in favor of dissolution—will appear in the next issue. – Ed.*

On September 25, hours after last-minute negotiations were held in an effort to reach an agreement prior to the first services of the season, the members of the Florida Philharmonic Orchestra negotiating committee called for a strike. We, the musicians, wanting to begin to equalize our salaries with our colleagues in other American orchestras, and also wanting to effect structural changes in the organization, responded overwhelmingly in favor of this action.

### *Some History*

Two years ago, in our last negotiations, the musicians played regular orchestra services without a contract for nearly two months. At the end of this period of "play and talk" we were motivated, by both management's plea for "a little breathing room" and their promise that "once our financial house is in order" it would be our turn, to accept their offer. It was understood that greater increases in our wages would be forthcoming. We accepted a contract that froze wages for a year, then allocated a four-percent raise during the contract's second year. Importantly, this ratification vote barely passed; the orchestra members came within four votes of calling a strike.

### *Act One*

Following this opportunity to take advantage of two years of breathing room, management did post some successes. The FPO posted operating surpluses in four of the past five years. Defying national trends which report ticket income slipping, the FPO's Marketing Director reported that the FPO's per-concert income jumped nine percent last season. Also, management projects a 1.4-million-dollar increase in the new year's budget, and the FPO Board announced significant progress toward adding 50 million dollars to the institution's endowment.

In spite of this "good news," management showed no signs of making progress in their ability to negotiate with the musicians. The first negotiating meeting in 2000 consisted of feel-good messages about "shared sacrifice," about how we are "one big happy family," and about the "great risks" involved with offering the musicians any more money. Management appeared at the table unprepared, without a written proposal, and proceeded to offer a one-year agreement with a two-percent increase in wages and the

status quo in all other areas of the contract. Any further discussion of the union's other concerns would take place "next time." After all the energy spent by the union committee in researching, interviewing and writing a comprehensive proposal, this was their complete response to us.

Many wasted weeks passed without meetings before management finally submitted their first written proposal. This proposal included a list of nineteen "take-backs" concerning, among other things, concessions in non-renewal language, scheduling, and health insurance. It also included a new and improved financial proposal—a three-percent wage increase—valid only if we accepted these take-backs! The orchestra committee immediately met with the musicians, a strike authorization vote was passed, and the various strike committees were assembled.

### *Act Two*

The musicians of the FPO had been organizing themselves and taking precautions in the event of a strike for some time. During the past season, an internal strike fund was set in place and through payroll deductions from each musician's paycheck, nearly \$25,000 was collected. The additional bonus derived from instigating these payroll deductions comes from management's certain awareness that this contingency fund exists. In addition, we hired a public relations/financial arts consultant (William Thompson) who focused on the ongoing media campaign, and we hired an attorney (Leonard Leibowitz) who has a strong style and proven track record. Therefore, when management's "last, best, and final offer" (now a five-percent wage increase and fewer take-backs) was received, the musicians reaffirmed their allegiance to the negotiation committee, and prepared to actively go on strike.

Since September 25 we, the musicians, performed the free community concerts that were originally scheduled—only now we performed them under our own banner. During the first week of the strike, musicians performed seven concerts, and more free concerts in the community followed. Through these concerts, constant press releases, and constant contact with reporters, the union kept the public informed, and the resulting letter-writing campaign contributed toward pressuring the board and management.

After three weeks, the first negotiation meeting since calling the strike occurred on Monday, October 16. At this meeting the management offered a five-year agreement which included a five-percent increase in wages the first year and four-percent wage increases in each of the following four years. However, upsetting non-renewal language, changes in health insurance which would potentially cost us more than the increase in wages, and more pro-management language which had previously been removed from the table accompanied this proposal. Arguably, the new offer was worse than the offer which had initially prompted the strike. An evening meeting of all the orchestra members again overwhelmingly reaffirmed the musicians' collective determination to continue the strike.

*Geoffrey Hale  
ICSOM Delegate and Orchestra Committee Co-Chair  
Florida Philharmonic Orchestra*

## Theater Musicians Face Daunting Challenges

Marsha Schweitzer, *Senza Sordino* Editor

The annual Theater Musicians Association (TMA) Conference took place August 28 and 29 in the recording studio of Local 47 in Los Angeles. I was able to attend on behalf of ICSOM on my way back to Honolulu from the ICSOM Conference.

The biggest issue among theater musicians remains *Pamphlet B* (the national touring theater agreement) and the schism that it has created between musicians who travel with the shows and those who are hired locally. AFM President Steve Young called *Pamphlet B* “the Bosnia of the AFM,” causing as it has a collision of the traditional locally bargained theater minimums (a union practice dating from the days of silent movies and vaudeville) with the more streamlined touring practices of today’s international theatrical producers. Both the travellers and the local musicians claim the same turf, the rightful ownership of the theater work, and a strong case has been made by musicians on both sides of the argument. TMA has been working since its inception in 1996 to heal the wounds of *Pamphlet B* and find a way to bring theater musicians together. Those who spoke on this issue at the TMA Conference, both from the local and the travelling perspective, were impressive in their ability to keep negative emotions down and tolerance for opposing viewpoints up. Everyone understood that, despite our internal differences, the real enemies are not fellow AFM members, but the threat of nonunion theater and—The Machine.

**“Employers are squeezing the life out of live theater. We must band together to combat this.” – Art Linsner, President, TMA**

As ugly a problem as humans displacing other humans is, far more sinister is the “virtual pit orchestra,” a computer-generated electronic orchestra that can alter its speed on command, and thus overcome the heretofore biggest obstacle to robotically accompanying stage singers. The purveyor of the product, Bianchi & Smith, says that its creation was meant to “enhance” traditional acoustic instruments, not replace them, but the actual situations in which this device has been used prove otherwise. There have been problems with the technology—balance is difficult to control, and there is significant lag time in the response of the computer, requiring the stage performers to follow, not lead, the device, which broke down completely on at least one occasion. Director of the AFM Touring/Theatre/Booking Division Mark Heter said, “It is a machine; it has no intuition; it never will. There are real problems with coordination. . . . It doesn’t work.”

A national tour of the musical *Annie* is now underway using the “virtual pit,” and TMA and the AFM are setting up informational pickets in each city where this show appears. Many ICSOM cities are scheduled on the tour, and ICSOM musicians are

welcomed to join the action. One musician said, “All over the country, the issue is replacement of humans, downsizing the orchestra for greater profits. Unless the public balks, they might succeed. You can’t replace the human spirit with a machine.”

Another manifestation of the dehumanization of musical theater was the recent Tony Award for Best Musical going to *Contact*, a self-described “dance-play.” Letters of protest were sent



*Theater musicians gather at Local 47 in Los Angeles.*

by Local 802 President Bill Moriarity, a group of Broadway orchestrators, and a Tony nominator, Jack Goldstein, who resigned his post in protest. Goldstein wrote, “I believe that all theatre is a live performing art. Musicals are characterized by the presence of a book, singing, an original score, and an orchestra.” Goldstein noted that all of the elements need not be present at once for a show to qualify but that *Contact* contains none. Maura Giannini, TMA Director for Broadway, wrote in the *Pit Bulletin*, “. . . we are fearful of the fallout from the fact that the esteemed individuals who vote for the Tony Awards elevated a production with no original music, no book, no singing, and most importantly, no orchestra, to the level of Best Musical.”

The TMA Conference appointed a committee to develop a public education plan to combat the acoustic desensitization of audience. Both the stage and the pit are now so heavily amplified in a typical show that the distinction between the sound of a live orchestra and an electronic one is lost. The public is being acculturated to the sound of increasingly electrified music and is forgetting what a real live orchestra sounds like. It has been a slow, insidious process that, if not reversed, will mean the end of any public resistance to electronically reproduced or computer-generated music.

Unlike ICSOM, which is composed of member orchestras, TMA has individual members. The only requirement for TMA membership is AFM membership, and ICSOM musicians are invited to join TMA. Dues are \$35 per year, payable to **TMA, 175 W Washington Street, Chicago IL 60602**. ICSOM pit orchestras and symphony orchestras who also perform opera and ballet share much in common with theater musicians and could benefit from TMA membership.



♪ ✨

Dear Marsha Schweitzer:

**I was delighted to receive your email! Yes, I'm the first editor.** The early days of *Senza Sordino* were hairy and scary—with many an ineptitude. If you've seen the earliest issues, you know how amateur they were! When I look back over them, now, I cringe at their primitive quality, but I also feel rather proud that they were done at all. *Senza Sordino* has become a very professional—and useful—bulletin since those days.

By the way—while I would love to be given credit for the inspired title of the periodical (and I sometimes am given credit) historical honesty requires that I give the credit where it is due: to a flutist named Joan Bennett, who was in the Chicago Symphony at that time and who was one of my helpers in editing the early editions. Several of us were trying to come up with a name for the fledgling, when she suggested “Senza Sordino.” It was, of course, perfect!

I thank you very much for contacting me. It brings back memories of raging hormones and elevated blood pressure; I was one of five people who were fired TWICE from the CSO! The first time, the management stated baldly, to the Press, that we were being fired for our “labor activity.” When our attorney (and the reporters for the Chicago papers) pointed out that the management was confessing to a violation of Federal law, they hired us back. One year later, they fired us again, this time giving “musical reasons” as the cause. Since only the conductor could fire for “musical” reasons, the reporters (recognizing the same five names) went to Fritz Reiner and asked him why he was firing us. He replied that this was the first he had heard about it! (His exact words were, characteristically, “Hmph! There are some people I would like to get rid of—but not THEM!”) When the management heard that he had said this, they had to hire us back again! Sounds funny, now, but it was not so funny then!

Best regards,

Bob Coleman

*ICSOM Emeritus, Chicago and Dallas Symphonies  
The Very First Editor of Senza Sordino (1962 - 1963)  
rcoleman@capecod.net*

*The Recently Reelected Tenth Editor's Note: Mr. Coleman reminds us just how much courage it takes to be a labor activist, even in a business like ours, associated with the delicate and supposedly peaceful realms of artistic truth and beauty. Having recently been elected to a third term as editor of this august journal, I am also reminded of what an incredible honor it is follow in the footsteps of ICSOM's early leaders like Mr. Coleman who made real, tangible sacrifices so that those of us who now hold good jobs in good orchestras could practice a profession that is not only honorable, but also respectable. I have an orchestra job now because Mr. Coleman was willing to risk his—twice. Thanks, Bob.*

♪ ✨

Hi Robert –

**Just wanted to thank you for inviting me to participate in the ICSOM conference.** Everyone was so friendly and welcoming and I enjoyed the engaging presentations and individual conversations on the state of orchestras in the country.

My compliments as well for all your work in bringing the whole show to Louisville. In addition to my personal enjoyment in welcoming you to our city, I believe your membership's involvement with the nurses' fight will have a long-lasting, positive impact. I was very gratified that you and the other ICSOM representatives were able to turn the few days of a convention trip into a contribution to the host city and to working to solve an important labor issue. I don't think the nurses would have had any media turnout without the musicians' involvement in the rally.

Finally, I appreciated the opportunity to speak before your group, both at Tuesday's Governing Board meeting and at the general membership session on Thursday. I hope the sessions on number-driven negotiations will be useful to your members as they encounter similar challenges in their own organizations.

If I can be of service to you or your organization in the future, please feel free to call on me.

*William Thompson  
arts management consultant to the musicians  
of the Louisville Orchestra & the Florida Philharmonic  
LocusMedia@aol.com*

♪ ✨

**October 23, 2000 – from Florida Philharmonic committee co-chair Geoff Hale to ICSOM Treasurer Stephanie Tretick concerning a loan of \$10,000 from the ICSOM Emergency Relief Fund:**

“Regarding the ICSOM check, we haven't had time to even take it to the bank. We don't need the other \$19,000 but my orchestra cried last night when I announced that you were ready to send it. God bless you all at ICSOM. I remember standing in front of the Conference in '93 with tears in my eyes thanking ICSOM for the \$20,000 that was sent to us during Hurricane Andrew. I still have tears in my eyes from last night and this morning.”

**ICSOM delegates and guests took a breather from conferencing** on Friday, August 25, to support the nurses of Audubon Hospital in Louisville. Virtually the entire population of the ICSOM Conference marched along five city blocks in downtown Louisville and regrouped at Jefferson Square Park for a labor rally dubbed "Symphony for Justice."

The Audubon nurses began to organize themselves into a union in 1989 in response to abusive working conditions that they felt were compromising the quality of care they could give to their patients. Between 1989 and 2000, Audubon Hospital was bought and sold four times, being owned by Humana, Galen, Columbia/HCA, and Norton in succession. Each management in turn put obstacles in the nurses' organizing path, using legal maneuvers, union-busting consultants, intimidation, and unlawful firings to hamper the certification of the union. The battle, now 11 years old, goes on.

ICSOM Chair Robert Levine said to the gathering, "Through the efforts of ICSOM and the American Federation of Musicians, orchestra musicians throughout the US have enjoyed the rights to organize and to speak freely to their employers without fear of reprisal. We want to see workers everywhere, including the nurses in Louisville, get a chance to speak their minds on important issues and not be silenced by their corporate managements."

The Nurses Professional Organization, an AFSCME affiliate representing the Audubon nurses, says, "The hospitals of our community originated as centers of charity and community concern. They continue to exist as public trusts. They receive significant support in the form of tax relief, bond support, and community charity. They are not private fiefdoms. The community supports and sustains these institutions because it believes them to function for the general good.

"In recent years the behavior of hospital administrators and boards of directors has put that faith to the test. The nursing staff of Audubon Hospital has expressed interest in union recognition in order to maintain a safe working environment which protects



## ICSOM Musicians Rally For Louisville Nurses

the health and well-being of the patients and the dignity and rights of the nurses.

"The very fact of the history of anti-labor violations at Audubon documented by a series of NLRB rulings proves that both Columbia/HCA and Norton Healthcare have acted, and Norton Healthcare continues to act, in violation of the basic right of workers to unionize in a free and open environment.

"We ask Norton to stop fighting its nurses and work together to provide a safe and healthy work environment for the nurses and patients. Stop fighting the union effort and begin working for this community."

The "Symphony for Justice" rally was covered on Louisville television news and nationally in the AFL-CIO's August 28 "Work in Progress" and in the *International Musician*.



*The audience, in the shade, is transfixed by the performance of the ICSOM brass quintet.*

### **Late-breaking news –**

On October 18 the Nurses Professional Organization announced that the NLRB Office of Appeals in Washington DC issued a complaint of unfair labor practices against Norton Healthcare, Inc. over Norton's discriminatory treatment of Wilma McCombs in retaliation for her labor activity. The NLRB had on two previous occasions this year, in August and in May, ruled against Norton for wrongful termination and unlawful discipline of two other nurses who were similarly active in promoting a union for Audubon's nurses.



ICSOM Conference participants give the term "street musicians" new meaning. A column of musicians on the march stretches as far as the eye can see, led by Warren Powell (Florida Orchestra) and Carol Beck (Grant Park). photo © 2000 Daniel Dempster



photo by Stephanie Tretick



AFM President Steve Young addresses the crowd while brassmen Charlie Schlueter (Boston), Dave Angus (Rochester), Michael Moore (Atlanta), Ray Horton (Louisville) and Brian Rood (Kansas City) ponder getting a temperature clause in their contract.

## Atlanta Ballet Settles!

Mark G. McConnell

ROPA Delegate, Atlanta Ballet Orchestra

On September 18, 2000, in an amazing turn of events, the members of the Atlanta Ballet Orchestra ratified a new 3-year master agreement after a bitter strike of 11 months. This surprising turnaround was brought about by many things. Probably the pivotal issue was management's failure to engage the orchestra from the Czech Republic. The Czechs were unaware that there was an ongoing labor dispute in Atlanta, and they had no desire to walk into the middle of it. Management suddenly found itself facing the prospect of using tape for their season opener of *Romeo and Juliet*.

The Ballet management conceded all the major issues. We now have pension, guaranteed services for each individual musician, and a fair dismissal clause. Management stated over and over the last year that as soon as anyone got a pension they would have to give it to all employees. I now assume that we have managed to get a pension for not just for ourselves, but for everyone who works for the ballet. How's that for collective action?

Thanks to all of the officers of the AFM, and especially to Florence Nelson and Chris Durham of the SSD. Their support and assistance went a long way in settling this strike. It helped all of us to know that we had the full backing of everyone in the AFM.

Thanks also to Mark Heter, head of the Touring/Theater/Booking Division. He was able to provide considerable pressure on the Czech presenter, and spearheaded the effort to get the U.S. Immigration and Naturalization Service to deny visas for the Czech musicians.

The untiring efforts of Andrew Cox, Secretary Treasurer at Local 148-462, need to be acknowledged. The local gave us their total support, and for that we are grateful. I'm sure that Andrew will be relieved at not having to talk to me several times a day! Our Attorney, Bob Giolito, kept us out of jail and was an invaluable help.

And last but certainly not least, thanks to all of you who gave us your support. The guest book entries at the Atlanta Ballet website really had an effect, and all of your email helped give us the inspiration to carry on. And thanks to the many orchestras that offered financial help. We will never be able to thank you enough for your generosity.

So ends one of the more difficult challenges to our Union. There are many lessons to be gained from events this last year here in Atlanta, and we know that there is work ahead of us on a national level. We must begin educating young musicians to learn the value of collective bargaining, and somehow let them know of the struggles that so many of us have fought over the years. We must also be constantly vigilant regarding the importation of foreign workers to replace our own Union members. We all know how protective the European musicians are of their own turf; I see no reason that we should feel any different. We must find some way to prevent this type of action in the future. This is most certainly an issue worth being discussed by all of the player conferences.

*ICSOM Conference Resolutions*

Whereas, With the recent dramatic innovations in technology, sound reproduction has become ever better; and

Whereas, Labor disputes involving pit musicians have become more dangerous by virtue of the use of recordings by employers to displace live musicians; and

Whereas, The jobs of pit musicians are in jeopardy as a result of this displacement; therefore, be it

**Resolved, That all symphony, opera, and ballet orchestras seek to have their contracts contain a provision prohibiting the use of tapes, CDs, or other recorded music to displace live music; and, be it further**

**Resolved, That AFM negotiators seek to include in all national media agreements a similar ban on such use.**



Whereas, Milton H. Carter Jr., President of the Musicians' Association of Hawaii AFM Local 677, although not a symphony musician himself, established a policy in union administration that fully recognized the importance of symphony musicians in the life of the union and was dedicated to completely serving their needs; and

Whereas, Milton valiantly led Local 677 and the Honolulu Symphony Musicians through fifteen years of near-constant struggle, including two strikes, a 2-1/2 -year lockout, unrelenting bad faith bargaining and breaches of contract by management, and six landmark labor arbitrations, all decided in favor of the musicians, that established legal precedent to the benefit of all orchestral musicians; and

Whereas, Milton understood the need for community collaborations to fully realize employment opportunities for his members and enhance the quality and security of such employment, and therefore established close and mutually beneficial relationships with the Hawaii State Legislature; the Honolulu City Council; the Hawaii State AFL-CIO; other major unions, in particular, the hotel workers (H.E.R.E.), longshoremen (ILWU), stagehands (IATSE), screen actors (SAG), and government workers (HGEA, UPW); and served on the Board of Directors of the IATSE Pension Fund, the Hotel and Travel Industry Federal Credit Union (Local 5 H.E.R.E.), the Aloha United Way, and the Hawaii State AFL-CIO; and

Whereas, Milton understood that members are served when the interests of the organizations that employ them are served, and therefore actively advocated the cause of the Honolulu Symphony in the community, intensely lobbying for arts legislation at the Hawaii State Legislature and the various city and county councils, advocating and fundraising for the Honolulu Symphony among labor and other community organizations, and generously contributing his own personal funds; and

Whereas, Milton established at Local 677 a style of social unionism that sought to serve all the needs—economic, emotional and spiritual—of his members, and which recognized the worth of musicians not just as workers, but in their totality as precious creative human beings; and

Whereas, Milton's administration demonstrated that the principle of union solidarity, simply and equitably applied, has the power to harmoniously serve the needs of all musicians, symphony and non-symphony alike, and foster true respect and appreciation among all members of the local; and

Whereas, Milton gave unparalleled personal devotion to his members, including his orchestra musicians, as manifested by unlimited commitment of his time, energy, spirit, and money to their health and well-being; and

Whereas, Milton lived a life of humility, dignity, humor, and grace that led by example, commanding unreserved loyalty and devotion from musicians, bringing to musicians the honor and respect of employers, government officials, labor leaders, and all others he touched, and making him not only a brilliant leader, but also a servant, of his members; and

Whereas, Milton H. Carter, Jr. suddenly passed away on April 25, 2000; be it

**Resolved, That ICSOM, its member orchestras, and their delegates extend to all the officers, directors and members of the Musicians' Association of Hawaii and to the family of Milton H. Carter, Jr. our deepest sympathy and condolences, recognizing that Milton's death is a profound loss to all our orchestras and to all of labor; and be it further**

**Resolved, That ICSOM shall make a charitable contribution to the Milton H. Carter Endowment Fund of Live Music Awareness, or as otherwise directed by the Musicians' Association of Hawaii, that will help perpetu-**

**ate the programs that Milton initiated and supported to better the lives of musicians.**



Whereas, The current legal structure of ICSOM has caused ongoing confusion at the Internal Revenue Service (IRS), causing, in turn, the waste of much time in annual explanations by ICSOM officers and ICSOM legal counsel; and

Whereas, The current legal structure does not contain sufficient protection against individual liability of officers and agents of ICSOM; and

Whereas, The Governing Board of ICSOM has recommended that the assets of ICSOM, including, without limitation, its treasury, the Emergency Relief Fund, *Senza Sordino*, and all goodwill, be transferred to a new corporate entity formed pursuant to Section 501(c)(5) of the IRS Code, and that such new corporation assume all rights and obligations of ICSOM, including its status as a conference of the AFM; therefore, be it

**Resolved, That the delegates to the 2000 ICSOM Conference, meeting in Louisville, Kentucky, adopt and ratify the recommendation of the ICSOM Governing Board to form a new corporate entity for ICSOM; to seek and obtain an IRS determination letter approving such corporate entity as a labor organization under Section 501(c)(5) of the Internal Revenue Code; to transfer all assets, including, without limitation, ICSOM's general treasury, Emergency Relief Fund and Memorial Fund assets, *Senza Sordino*, and goodwill connected therewith, to the new corporate entity; and to seek approval from the AFM for the transfer to the new corporation of the player conference status of ICSOM.**



Whereas, I. Philip Sipser was ICSOM legal counsel for over 15 years; and  
Whereas, Phil Sipser has also represented virtually every major orchestra; and  
Whereas, Phil Sipser's impact on ICSOM and on the entire orchestral field cannot be overstated; and

Whereas, September 2, 2000, is Phil Sipser's 82<sup>nd</sup> birthday; therefore, be it

**Resolved, That the delegates to the 2000 ICSOM conference express to Phil Sipser their love and admiration and wish him good health and the happiest of birthdays.**



Whereas, The proposed abolition of the federal estate tax may have a calamitous impact on the ability of non-profit organizations to raise money, especially for capital and endowment funds; therefore, be it

**Resolved, That the ICSOM Governing Board be directed to work with the AFM, the American Symphony Orchestra League, and any other potential allies to ensure that any changes in federal tax law regarding estate taxes be crafted so as not to undermine the uniquely American non-profit sector, which has done so much to ensure the physical, cultural, intellectual, and spiritual health of all American citizens.**



Whereas, The 1998 Unity Conference produced numerous opportunities for sharing of information and experience amongst the delegates from the various Player Conferences; and

Whereas, The convening of the three symphonic Player Conferences in one venue at the same time in a second Unity Conference will enable the Player Conferences and the AFM's Symphonic Services Division to maximize the impact of their resources in presenting information and instruction to the delegates; and

Whereas, The convening of such a symphonic Unity Conference would provide a logical opportunity to invite the representatives of orchestras from other countries to discuss issues of mutual concern in an increasingly globalized cultural and media environment; therefore, be it

**Resolved, That the ICSOM Governing Board be directed to work with ROPA, OCSM, and the Symphonic Services Division of the AFM to plan such an event for the summer of 2002; and be it further**

**Resolved, that such a plan include not only the logistical details of such a conference, but also a proposed agenda and set of goals; and be it further**

**Resolved, That such a plan be brought to the 2001 ICSOM Conference for the approval of the delegates.**



Whereas, Andrew Brandt served as an officer of the Regional Orchestra Players' Association for many years, culminating in six years of distinguished service as ROPA's president; and

Whereas, Andrew Brandt worked tirelessly with the leadership of the other Player Conferences of the AFM to improve the situation of symphonic, recording, and theater musicians within the AFM; therefore, be it

**Resolved, That the delegates to the 2000 ICSOM Conference thank Andrew Brandt for his service to musicians, congratulate him on the completion of his term as ROPA President, and offer him their warmest wishes upon his retirement from ROPA office.**



Whereas, During the ongoing Atlanta Ballet Orchestra strike, the musicians of the Atlanta Ballet Orchestra are currently being replaced by musicians who are students and others; and

Whereas, These replacement musicians may have agreed to accept this scab employment due to their lack of knowledge or misunderstanding of the American Federation of Musicians; and

Whereas, Nationally, lack of knowledge or misunderstanding of the American Federation of Musicians by conservatory students and entry-level professionals is at an alarming level; and

Whereas, Action is needed to reverse this condition, lest there be serious ramifications for other orchestras as has happened with the Atlanta Ballet Orchestra; and

Whereas, The American Federation of Musicians must take the lead in developing an effective program to reach out to conservatory students and through its locals, therefore, be it

**Resolved, That a joint task force consisting of members of the Player Conferences and the American Federation of Musicians be appointed and convened for the purpose of studying the aforementioned problems and for making recommendations for needed action to the player Conferences and to the International Executive Board of the American Federation of Musicians.**



Whereas, Musicians belonging to the American Federation of Musicians work in a wide variety of circumstances, including freelance musicians, symphonic musicians in large and small orchestras, and recording musicians in every genre; and

Whereas, Musicians belonging to the American Federation of Musicians vary widely in the amount of professional work available to them, ranging from musicians who are able to perform professionally on an intermittent basis to musicians who are able to perform professionally on a full-time basis; and

Whereas, Musicians who work in these varying circumstances have varying needs for union services and varying ideas about the policies and directions that are most appropriate for the American Federation of Musicians, and

Whereas, The governance structure of the AFM is based on the fact that the Federation is composed of over 250 affiliated local unions, and is tied directly to the representation of those local unions at the biennial Convention; and

Whereas, The traditional governance structure of the American Federation of Musicians did not specifically provide for the input of the member musicians based on the needs and views they developed in their particular working circumstances; and

Whereas, The Player Conferences were created in order to give working musicians a voice in the union that was specifically tied to their needs and experiences in their particular workplaces; and

Whereas, It is important for the future growth and relevance of the American Federation of Musicians that the varied needs of working musicians be addressed, and the time has come for their participation in the union governance system to be enhanced, now therefore, be it

**Resolved, That the American Federation of Musicians International Executive Board, in cooperation with the Player Conference Council, research methods to enhance the participation of working musicians in the governance of the union, with the goal of making appropriate recommendations to the 2001 Convention; and be it further**

**Resolved, That in no case shall the ICSOM Governing Board agree to IEB representation on the International Executive Board specifically limited to, or intending to represent the specific interests of symphonic, recording, and theater musicians unless all AFM Player Conferences are represented on the IEB and unless their representatives are elected directly by the Player Conferences and not by the AFM Convention.**



Whereas, It is a fundamental premise of union democracy that rank-and-file musicians should have the right to participate in union governance, including the right to serve on the boards of their local and international unions; and

Whereas, The right to participate in union governance is meaningless unless rank-and-file representatives can participate in discussions of, and vote on, issues that directly impact bargaining units of which they are members; and

Whereas, The American Federation of Musicians is widely recognized within the American trade union movement as having moved peacefully and progressively to institute the principles of union democracy; therefore, be it

**Resolved, That the ICSOM Governing Board be directed to propose an amendment to the AFM Bylaws at the 2001 AFM Convention that would bar AFM locals from preventing members or officers from participating in discussions of or voting on issues that directly impact bargaining units of which they are members.**



Whereas, Orchestra top-level managerial staff hold positions of significant importance in orchestras; and

Whereas, It is important for ICSOM orchestras to know the history of prospective top-level managers; and

Whereas, ROPA has a system of tracking top-level managerial staff; therefore, be it

**Resolved, That the ICSOM governing board study the possibility of ICSOM tracking top-level managerial staff, including an examination of the system used by ROPA, and report back to the delegates attending the ICSOM conference in 2001.**



## ICSOM Musicians In The AFL-CIO Spotlight

ICSOM musicians figure prominently in the September 2000 issue of *America@Work*, a national publication of the AFL-CIO. In a feature story by Joshua Freeman, "New York Union-Building: Lessons for Today," the case was made that during the decade after World War II "no city had a stronger union movement than New York. Its unionized workers ranged from garment and clothing workers—the largest group—to construction workers, members of the **New York Philharmonic**, machinists, longshoremen, diamond workers, upholsterers, Wall Street clerks, teachers and even seltzer water workers."

Mr. Freeman went on to describe the success of New York unions in "establishing a rich collection of social programs" to benefit working people, including affordable housing, public housing, non-profit housing cooperatives, rent controls, health coverage and union-sponsored health clinics. The arts, too, were important ingredients in the union social fabric: "New York unions even helped found the non-profit City Center for Music and Drama—parent of the renowned **New York City Ballet** and **New York City Opera**—so families of modest means could enjoy first-rate culture and entertainment."

On page 17, **National Symphony cellist and vice president of AFM Local 161-710 Robert Blatt** was pictured next to a story about his efforts to bring on-the-job union awareness to Washington DC high school students. Backstage field trips to the Kennedy Center give students a chance to see firsthand how union stagehands, musicians, restaurant workers and others are served by their unions in the workplace.

## ICSOM Revisited

By Henry Shaw

*Senza Sordino* Editor Emeritus 1972-1982

(adapted from Henry's remarks to the ICSOM Conference,  
August 27, 2000)

The proximity of Louisville made it an easy decision to drive from Cincinnati to visit old friends, and make new ones at the recent ICSOM Conference. It did not surprise me to find the organization still vital and addressing new areas of concern as they present themselves. Old and basic problems were again in evidence, and revisited, as they should be.

I think back to May 1962 when representatives of a group of major orchestras gathered in Chicago to address the same basic concerns: how can we make our profession, playing in an orchestra, one that would give us full employment and a living wage?

We were greatly encouraged by the Chicago meeting, reported to our fellow musicians at home, and agreed to meet again in Cleveland in September of 1962. There we formalized an organization to be called the International Conference of Symphony and Opera Musicians.

Existing inter-orchestra communication was primitive, and out of that state of affairs was born our official publication, *Senza Sordino*. The publication succeeded in providing the informational pipeline from the organization to each orchestra member. I believe there were sixteen orchestras represented at the original meeting. *Senza Sordino* was the glue that held ICSOM together.

Above all it should be remembered that ICSOM is rooted in a spirit of volunteerism; in its dues structure, in its many willing and hard-working officers as well as other orchestra musicians who share the load, and from an early year, the willingness of our members to come the aid of member orchestras in troubled times.

Continue to take what you can from Conference meetings, *Senza Sordino*, and each other. Utilize what fits your orchestra situation best. ICSOM, a conference within the American Federation of Musicians, is truly democratic unionism in action. Understand and be aware of its roots and support your togetherness with the AFM.

Please accept my deep appreciation for the warm welcome accorded me in Louisville.

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*When Tom Hall succeeded Henry Shaw as Senza editor in 1982, he offered this biographical tribute to Henry (from Senza Sordino, November 1982), "For thirty years he has served as Assistant Principal Second Violin in the Cincinnati Symphony Orchestra. He has long served on his orchestra's committee, eight years as chairman. Either as a delegate or ICSOM officer, he has attended every annual conference but two since 1962. In recent years he has been on the Orchestra Panel of the National Endowment for the Arts. In all his endeavors, in his typically quiet and unassuming way, he has proven a model of reliability, dedication, clear thinking, sound judgment, and seemingly eternal youthfulness."*

## Make Senza Run That Extra Mile

One of the many sidebar discussions that took place at the ICSOM Conference centered around how to bring the message of orchestra musicians more effectively and efficiently to a wider audience. We need to better educate our students and the public on matters of unionism, hopefully preventing a recurrence of the Atlanta Ballet scab problem. The obvious way to do this quickly is to get our major communicator, *Senza Sordino*, into as many hands as possible before it lands in the trash bin, and to do so while limiting environmental waste and conserving resources.

After studying the options, it was decided that making electronic access to *Senza Sordino* easier would be good, and here are some methods that the ICSOM Governing Board has adopted to address this matter:

√ **Senza distribution by email, to those who request it.** To sign up to receive *Senza* as an email attachment, send an email message to Robert Levine (rtl@icsom.org) asking to be added to the *Senza* email list.

√ When the availability of a new *Senza* is announced on Orchestra-L, a **hyperlink to Senza Sordino on the ICSOM website** will be provided.

It was felt that reducing access to paper copies, i.e., not printing as many, was not advisable at this time, since the jump to cybercommunication is not yet totally complete for many readers; however, suggestions were made for getting more mileage out of those paper copies, as described in the following *Senza Advisory*:

### *Senza Advisory*

**ICSOM musicians: Don't leave your copy of Senza Sordino on the stand after rehearsal!** When you are done reading it, put it in your instrument case and take it to your teaching studio—leave it in your studio or waiting room, or on the table in the student lounge, or in the career placement office, or on the bulletin board. Or invite your college or university library to buy a *Senza* subscription—instructions for subscribing are on page 12.

**ICSOM delegates:** If you find a lot of *Senzas* left behind after rehearsal, consider putting a tray or box near the trash can for "recycled *Senzas*" and encourage musicians to leave their used copies there. Then encourage musicians to take these extra copies to share with students, music schools, libraries, board members, journalists, concertgoers, legislators, or to distribute anywhere *Senza Sordino* might find an interested and eager readership.

# Senza Sordino

## Wins National Awards

The International Labor Communications Association (ILCA), a branch of the AFL-CIO made up of member labor publications, has awarded *Senza Sordino* its first-ever national recognition in labor journalism.

Winning the **First Award in the Labor History, Best Human Interest or Biographical Profile category** was “**James Petrillo: Leader of the Ban**” by James Clute, a biography of past AFM President James Petrillo. Winning the **Second Award in the Labor History, Best Story, Profile or Editorial category** was “**Dissonance: A History of Dissent in the AFM**” by Marsha Schweitzer, which chronicled the history of AFM reform leading to the 1998 Unity Conference. Both stories were from the May 1998 issue (Vol. 36, No. 3) of *Senza Sordino*. These winning articles were selected from 1,297 entries by 156 member publications.



*Editor's personal note:* A top priority for most journalists is capturing the historic import of current events and preserving the historical record. That all *Senza* editors have shared an understanding of the power of history is revealed in the nearly 40 years of *Senza Sordino* archives. A trip through the back issues of *Senza Sordino* is a fascinating journey, filled with facts, figures, poetry, narrative, tragedy, and humor that paint a vivid picture of the evolution of life in orchestras over generations. ICSOM is now old enough to be able to look back upon itself, to feel the sweep of

history and its impact on our profession and on our union. It is thus highly symbolic that both of these ILCA awards are in the Labor History category, an area where ICSOM, it is now clear, has made an indelible mark.

It is also significant that the ILCA chose to present awards to two stories that not just describe people and events in labor history, but focus on the role of dissent and reform in that history. I interpret these awards not only as kudos for two excellent articles, but also as acknowledgment of reform in the AFL-CIO and recognition of the good that such reform has done in the labor movement as a whole. This prominent national recognition of *Senza Sordino*, ICSOM, and the role we have played in the growing union democracy movement will help other union members throughout organized labor set a course to empowerment in their own unions.

**“Journalism is the first rough draft of history.”**  
*Phillip Graham, publisher, Washington Post*

This may be the first time *Senza Sordino* has won a national award, but certainly not the first time *Senza* has contained award-worthy material. I take no personal credit for these awards; my work as writer and editor is constantly inspired by the incredible job done by each of my predecessors in office. The standard that they established over the years for quality, integrity, and insight in *Senza Sordino* is one that I might aspire to equal, but know I can never exceed. I am merely the first editor in 38 years to send in the contest entry forms.

I therefore accept these ILCA awards on behalf of all the past editors and contributors to *Senza Sordino*, who have participated in today's success as surely as the current authors. In homage I list here the names of all past editors of *Senza Sordino*—for the record:

- Robert Coleman** (Chicago Symphony) 1962-63
- Reinhardt Elster** (Metropolitan Opera) 1963-65
- Sam Denov** (Chicago Symphony) 1965-66
- David Smiley** (San Francisco Symphony) 1966-70
- Vance Beach** (Los Angeles Philharmonic) 1970-72
- Henry Shaw** (Cincinnati Symphony) 1972-82
- Tom Hall** (Chicago Symphony) 1982-86
- Deborah Torch** (San Antonio Symphony) 1986-93
- Robert Levine** (Milwaukee Symphony) 1993-96



photo by Mark Schubert

*Senza Sordino Editor Marsha Schweitzer*  
*Did I really run for another term? What could I have been thinking?*

## Memorable Quotes from ICSOM Conference 2000



“If you have issues to debate, do it, and do it *now!* Nothing is the enemy of this organization more than apathy.”  
– Henry Shaw, *Cincinnati Symphony Emeritus*, Senza Sordino Editor, 1972-1982

“For the past thirty years I have been most impressed by the high standard of devotion of the musicians who volunteer themselves to ICSOM. What is amazing is that the standard keeps being met!” – Leonard Leibowitz, upon receiving a plaque honoring his 30 consecutive years as ICSOM’s legal counsel.



## On Voting . . .

“The loftiest of all rights of the citizen, by the democratic dogma, is that of the franchise. And whoever is not willing to fight for it, even at the cost of his last drop of gore, is surely not likely to exercise it with a proper sense of consecration after getting it . . . The potential voter values his peace and security more than he values the boon for which the Fathers bled.”  
– H.L. Mencken in Notes on Democracy (1926)

**Don’t devalue the boon — VOTE!**  
General Election Day is November 7, 2000.

## On Giving . . .

The ICSOM Governing Board, in accordance with a resolution passed at the ICSOM Conference, authorized a \$500 charitable contribution in memory of Milton H. Carter, legendary president of AFM Local 677 in Hawaii and stalwart champion of the Honolulu Symphony Musicians. The gift was a permanently restricted contribution to the newly established Milton H. Carter Endowment Fund of Live Music Awareness, a concert-presenting and support organization founded by Milton and members of Local 677. This Endowment will help create and preserve employment opportunities for union musicians, which include symphony, chamber music, jazz and big band concerts, educational activities, and the Hawaii State AFL-CIO Labor Day Concert.

## From the Internet . . .

**Senza Sordino** – a term used to remind the player that he forgot to put his mute on a few measures back.

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Affiliated with the American Federation of Musicians - AFL-CIO

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