

# Senza Sordino

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## Briefly Behind Bars

By Michael Gordon

Prison is one place I never imagined myself visiting voluntarily. It is certainly not a place I would have gone to have a deeply meaningful musical experience. Nevertheless, in May 2015, I and five other members of the Kansas City Symphony did just that. What resulted was an incredible affirmation of the power and value of classical music, and a truly unique learning experience that none of us will forget.



Courtesy of Kansas City Symphony

This all began one evening in the symphony's donor lounge when I struck up a friendly conversation with one of our staunchest supporters, Tom Smeed. Tom is a gentleman who freely admits he gave no thought to classical music for most of his life, but decided to check out a concert a few years ago on a whim as an opportunity to have a night out with his daughter. He was instantly captivated, and has been a full season subscriber and donor ever since. It turns out that well before he developed a passion for music, he had a passion for volunteering at prisons.

That evening, Tom told me about his work with a small non-profit in nearby Kansas called Arts in Prison. They create opportunities for inmates at Lansing State Prison to do arts activities ranging from choral singing and rap, to putting on fully staged Shakespeare plays. Tom thought it would be a great idea for musicians to perform for the inmates. The Kansas

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## Columbus Symphony Orchestra Outreach

By Betsy Sturdevant, CSO Committee Chair

The Columbus Symphony Orchestra's (CSO's) community outreach has been on the upswing over the past two years, in more ways than one. Like many orchestras, the CSO has been sending ensembles into the community for decades. But in the aftermath of serious financial troubles, which began in 2008, the orchestra has re-defined itself as more of a community service organization. The CSO board considered this the best strategy for justifying the continued existence of the orchestra and inspiring the necessary support.



Mark Wilder

With outreach becoming a new priority, funding was sought for new initiatives. An anonymous donor from the CSO board of trustees stepped forward to fund an endowment specifically for outreach. The donor's stated intent is "to offer

support for sending small groups out to create new audiences, raise funds, and raise our profile in the community."

Musicians volunteer to perform for the CSO's outreach program, and each musician is usually paid \$150 for a non-ticketed event or \$300 for a ticketed event. (Our CBA states that the fee must be at least \$100 for non-ticketed and \$300 for ticketed performances.) The outreach services are not part of our service count and may be scheduled either during a work week or a non-work week. Half of our full time musicians have been participating in outreach performances over the past two years. Sometimes musicians come up with ideas about where to perform, but personnel manager Linda Oper does most of the planning.

Linda was hired by the CSO a year and a half ago, and her experience with outreach was an important part of the interview process. Fortunately, she had been in charge of scheduling the Houston Symphony's outreach performances before she came to Columbus.

When Linda arrived in Columbus, she found an unimpressive outreach program in place, but that was about to change. Linda was asked to create outreach services for the musicians, since the outreach endowment had just been established. She

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David Eulitt

KCS Musicians Tamamo Gibbs and Mary Grant (violin), John Klinghammer (clarinet), Alex East (cello), Jessica Nance (viola)

## Chairperson's Report

By Bruce Ridge

### Walls and Bridges

As I reflect upon a decade of travel as ICSOM Chairman, it occurs to me it might be possible that I have visited more backstage orchestra lounges than all but a handful of negotiators. Often the personality of the musicians of the orchestra is represented in these lounges, and the musicians' history as well. I have seen old program books, posters, promotional buttons, and even materials from previous negotiations. There are bulletin boards with ICSOM settlements, newspaper clippings, letters from supporters, and commendations from mayors and governors that honor the musicians.



Michael Zinke

Some lounges have a wall of portraits, with pictures of former members of the orchestra that have retired or passed away. These portrait walls serve to provide the musicians who performed in the orchestra for so many years with a permanent presence in the orchestra's home. They are never forgotten, for they are always there.

I remember especially looking at the portraits of the former members of the Philadelphia Orchestra, backstage in the musicians' lounge in Verizon Hall at the Kimmel Center for the Performing Arts. I recognized many mentors and friends, too many of them now absent.

I've always liked that traditional toast "to absent friends", recited as a final glass is lifted in memory of departed friends and colleagues. I first learned it from a book by the great sports-writer Red Smith, in his collection of tributes to friends upon their passing.

The musicians' lounge also contains some portraits of people who played an important role in ICSOM's history. A picture of Irving Segall, who served as ICSOM Chair from 1974-1980, is there, along with Abe Torchinsky, for whom the ICSOM emeritus program is named.

Some walls in life are barriers, but these portrait walls in orchestra lounges are bridges. They honor the past as they strengthen the present, and they serve to ensure that those who have gone before will always be a part of the future.

Every orchestra undergoes a periodic generational shift, and that's as it should be. As is often said, time only moves in one direction. Youth invigorates our orchestras and preserves the art form. Every musician is connected in some way to a magnificent past, as they studied with a great teacher, who studied with a great teacher before, who studied with a great teacher before that. In its most generous interpretation, the passing of time means that every musician today has at least a passing link to Beethoven, Brahms, Stravinsky, and Bernstein, along with thousands of legendary orchestral musicians.

Openings in our orchestras provide opportunities to welcome a new generation to our ranks. But sometimes when a colleague retires it can seem as if they are too quickly absent from our lives, and our present is weakened if we don't remember, and celebrate, our past. It must be recognized by every new generation that >



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there would be no orchestra for them to join if not for those who went before.

Some orchestras celebrate their former members perpetually. The Chicago Symphony Orchestra Alumni Association is very active, and the New York Philharmonic carefully maintains its archives, creating a website that provides countless hours of inspiration and education for the musicians who are performing in our orchestras today, as well as those who will join tomorrow.

Not every orchestra has a lounge backstage, as many perform in halls that are used by other performing organizations, or play in multiple halls to serve a wide community. But ways can still be found to celebrate former colleagues, and in doing so we will be forever connected to the achievements that preceded us. The opportunities for the next generation of musicians remain great, but as with all previous generations, those opportunities must be sought, protected and cultivated. The progress made thus far awaits new activism.

I have personally known all but three of the chairs of ICSOM. Sadly I never had the opportunity to meet Irving Segall, as he passed away in 2004. But I have read a number of his letters, and studied his work. A website dedicated to his memory describes him in this way:

“Men who came to the bargaining table pounding fists, ready to plunge political knives into the backs of their opponents, were met by Irv’s love for people and his compassionate nature—and they were calmed. They truly felt that they had been listened to and heard. He built bridges and lasting relationships - he made friends of everyone he met. Irv was devoted to justice. He had a very strong sense of what was ‘the right thing to do.’”

## Recent Contract Negotiations of the Chicago Symphony Orchestra

By Steve Lester, CSO Committee Chair, and John Hagstrom, CSO ICSOM Delegate

Last fall, after months of difficult negotiations and playing without a contract for the first two weeks of the season, the musicians of the Chicago Symphony Orchestra (CSO) came to an agreement with the Chicago Symphony Orchestra Association (CSOA) on a new three-year contract. These negotiations were our first with Kevin Case (now ICSOM Counsel) representing us. His depth of knowledge and experience was a real strength. We also had incredible support from our Local 10-208, Chicago Federation of Musicians, and its President, Gary Matts.



Patrick Gooden

In the current climate of uneasy donors, management upheavals, and the relentless propaganda about the demise of “classical music”, a lockout or strike would

have been devastating for the organization and the orchestra. Compromise is never easy, but in this case, when faced with the alternative, compromise was essential. We applaud our employer for also realizing this fact.

One area of compromise was in our health care benefits, which have been a source of contentious conflict in past negotiations. The CSO Members Committee had been monitoring our health care costs continuously over the last several years and knew that those costs had not increased nearly as much as the Association had projected. In order to defuse a traditionally difficult issue, both sides agreed to hire a health care consultant prior to beginning negotiations.

The consultant, who has been used by at least one other ICSOM orchestra, analyzed our experience (use of the plan), costs, benefits, and administrative fees. His final report concluded we were doing well, and that further savings could not be achieved without gutting benefits. He also put the “Cadillac tax” (a part of the Affordable Care Act) into perspective, revealing it would have no impact during the term of this contract. We also discovered that we were not being offered benefits that were contracted with the insurance company that administers our self-insured plan.

Largely because of the fact that both sides were willing to work with an impartial consultant, the CSOA ultimately withdrew its proposals for cost savings and the musicians also agreed to withdraw our small number of health care proposals. Needless to say, everyone was relieved that health care was not a major obstacle within these negotiations.

Two other major factors led to an agreement. The first came from our Music Director. Though not involved in a material way with the negotiations, CSO Music Director Riccardo Muti is a brilliant advocate for the value and integrity of the CSO. His comments from the stage, in the press, and to the musicians, show deep passion for our profession and art, and formed an argument that effectively countered negative gloom and doom. >



Bob Grossman


In the musicians’ lounge in Philadelphia, I spent a few moments looking at Mr. Segall’s picture on the musicians’ portrait wall. I was glad to see that a man so responsible for the growth of all our orchestras, and especially his own, is still a presence in the daily workplace of those who have succeeded him.

I hope more orchestras will create a portrait wall, or a place for pictures of those who have gone before. Every musician has earned a moment of honor from the current members of their orchestras, and everyone who has ever played in an ICSOM orchestra should be always be thought of as a colleague. In this way we can honor our past, serve our present, and welcome our future.



He played a very crucial role, and we are extremely grateful for his help.

The other factor was the work of Javier Ramirez, the Federal Mediator assigned to our negotiations. His help was invaluable, especially at the very end. He sensed how the small differences in each side's proposals masked a deep philosophical schism, not just between employer and employee, but in understanding this art form and how to nurture and sustain it. This showed remarkable sensitivity and intelligence. As an example of our tax dollars at work, we say "Bravo!"

The musicians of the Chicago Symphony Orchestra also showed incredible strength and unity during these negotiations. As a result of our preparations, our members have become much more self aware as an orchestra. We have created our own website, Facebook page, and formed our own 501(c)(3) organization. Plans are now underway for a concert to benefit a wonderful Chicago charity—all produced by the musicians. CSO musicians have always been active in our city, musically and otherwise. Our goal moving forward is to demonstrate with our own voices our essential place within the Chicagoland community. 

## Librarian Elections at the Kennedy Center

By Barbara Jaccoma

After years of asking to include the music librarians of the Washington National Opera and the Kennedy Center Opera House Orchestra in the musicians' bargaining units, the D.C. Federation of Musicians, Local 161-710, and the Orchestra Committee have succeeded: in December the librarians voted in self-determination elections to join the orchestra bargaining units and are now represented by the Local. (The decisions and direction of elections can be found on the National Labor Relations Board (NLRB) website, [www.nlr.gov](http://www.nlr.gov), using the following citations: *Washington National Opera*, Case 05-RC-162892 and *Kennedy Center for the Performing Arts*, Case 05-RC-162889.)

Self-determination elections—also known as *Armour-Globe* elections—are a tool for organizing that has been used relatively infrequently in the symphony world. Representation elections are typically held after a union organizing effort among unrepresented employees. Self-determination elections are also representation elections, but they are meant to determine if an unrepresented employee or group of employees wishes to be represented by a union in an existing bargaining unit. Self-determination elections can be used in situations where the unit has existed for so long that the NLRB will not consider an accretion to an already existing bargaining unit.

The questions considered by the NLRB when it is asked to order a self-determination election are: whether the employees at issue share a community of interest with the employees in the already recognized unit; whether they constitute an identifiable distinct segment to be an appropriate voting group; and if they vote to join the unit, whether the resulting unit will be an appropriate one.

In 2012, in probably the first case involving music librarians and self-determination elections, Musicians Union Local 6,

advised by former ICSOM Counsel Susan Martin, used a self-determination election to include two assistant librarians in the San Francisco Symphony musicians' bargaining unit (*San Francisco Symphony*, Case No. 20-RC-077284). Although the San Francisco Symphony bargaining unit had included the orchestra's Principal librarian prior to the *Armour-Globe* election, the Employer opposed the petition that sought to accrete the two assistant librarians to the bargaining unit, claiming that they did not share a community of interest with the musicians and the Principal librarian in the already recognized unit. The Employer claimed instead that the assistant librarians had an overwhelming community of interest with other unrepresented employees. Not surprisingly, the NLRB rejected those claims and found that the assistant librarians had a community of interest with the Principal librarian and the other musicians, and ordered an election.

The structural situation at the Kennedy Center is a little more complicated than at the San Francisco Symphony. The Kennedy Center Opera House Orchestra is also the Washington National Opera Orchestra—although they are treated as two distinct units, negotiations are conducted separately, and there are two collective bargaining agreements. This structure meant that Local 161-710 had to find a way to get the NLRB to accept jurisdiction over a dispute that involved one person in each unit, or else have the Kennedy Center and the Washington National Opera treated as joint employers so that a separate two-person unit of librarians could be sought. Had the joint employer theory succeeded, the entire employment relationship might have been turned upside down creating many new issues—and a paradigm shift in the parties' labor relations.


Ultimately the *Armour-Globe* self-determination elections turned out to be the most effective mechanism, even though the "elections" each involved one person. Typically, the NLRB will not take jurisdiction over bargaining units or representation disputes involving individuals. However, the issue of the NLRB's jurisdiction over a one-person self-determination election was dealt with in 2009 in *Unisys Corporation* (NLRB Case 7-RC-23167). In that case a two-member Board permitted a self-determination election for a lone production assistant to vote on inclusion with a represented group of general production employees; the Board found that a voting group limited to the lone employee was appropriate. That precedent was applicable to the librarians at the Kennedy Center and the WNO.

The employers' stubborn resistance to including the librarians in the bargaining units was somewhat puzzling. The employers' objections—that the music librarians lacked a community of interest with the musicians—were multifaceted. They claimed that: there was no interchange or functional integration between the musicians and the music librarians; musicians and music librarians have different terms and conditions of employment, no common supervision or work location, different job classifications, duties, skills and job functions; and they have long excluded the music librarians from the bargaining unit. The employers' position in this case flies in the face of the facts. It is also inconsistent with other relationships at the Kennedy Center: specifically, after a long legal fight, in the last round of bargaining between the Kennedy Center and the National Symphony Orchestra (NSO), the parties agreed to include the terms and conditions of the librarians in the most recent NSO >

collective bargaining agreement. Those actions are hardly consistent with the position they took here.

A little history regarding the librarians and the orchestra is warranted (as are thanks to my sources, KCOHO musicians Francis Carnovale and Meg Thomas). The orchestra started on a freelance basis in the 1960s and was formally founded as the Kennedy Center Opera House Orchestra in 1978. From the beginning of the orchestra until 1993, the music librarian function was limited—the music was gathered and distributed by a musician appointed by the contractor, and the musicians themselves put in markings and bowings on the fly at rehearsals. After Heinz Fricke was hired as Music Director in 1993, he insisted that a professional librarian be hired to properly prepare the music scores. The musicians who have been players for many years have seen the improvements and have a unique appreciation for the work of the librarians.

Orchestra musicians and orchestra librarians understand how integral and essential the librarians' work is to the functioning of the orchestra. Their skills and qualifications are similar, the librarians' work—like the musicians'—is generally supervised by the music director, and they work closely with musicians. The NLRB's decisions in these cases acknowledge that the librarians and orchestra musicians in fact share a community of interest in spite of some differences in their terms and conditions and the work they do. The essence of the decisions is that the librarians' work is integral to the musicians' performances and that without a librarian the musicians would have to perform those functions themselves.

In the anti-union atmosphere in which we find ourselves, those of us who believe that employees are best served through unions have to do all that we can to organize ourselves and bring as many people into our unions as we can. The legal landscape is not always conducive to these efforts, so when a legal process is supportive of our goals it should be used whenever possible. There are music librarians around the country who are unrepresented and who might benefit from joining the musicians' units. I urge you to consider the lessons of the San Francisco Symphony and Kennedy Center/WNO cases and welcome these librarians into the union. 

*Note: The author is a labor relations attorney who has represented the musicians of several ICSOM orchestras.*

The 2016 ICSOM Conference will be held in  
Washington DC,  
August 24-27, 2016  
at the Loews Madison Hotel

All attendees must register for the conference in advance with ICSOM Secretary Laura Ross. Delegates and anticipated attendees should receive conference packets by early June, when online registration will be available. Anyone interested in attending the conference and wishing to receive a conference packet should contact the ICSOM Secretary. Deadline for conference registration is July 22, 2016.

## The Gershwin Critical Edition

By Mark Clague

With a keen ear for the sounds and slang of Roaring Twenties' New York City, the Gershwin brothers sparked a revolution in American music that risked aesthetic heresy. Their art crossed boundaries of black and white, popular and classical. They brought the energy and humor of the Yiddish theatre to Broadway. They put slang in poetry and jazz instruments onto the stage of Carnegie Hall.

George as composer and Ira as lyricist worked quickly, often sitting side by side at the piano, with a tireless improvisational energy that was tragically interrupted. George's sudden death on July 11, 1927, from a brain tumor, stunned the musical world. Ira stopped writing lyrics. The fabric of the Gershwin family was torn. Music had lost a powerful creative voice.

The composer's death also left much undone. I only wonder at the imagined sound of George Gershwin's First Symphony or of the opera he might have composed as a follow up to *Porgy and Bess*. Also undone was the editorial curation of the composer's legacy. If, like Aaron Copland, George Gershwin had lived to be 90 years old, I would not have been appointed as editor of the *George and Ira Gershwin Critical Edition*. Instead, the composer himself would have clarified questions like what pitches the taxi horns are supposed to sound in *An American in Paris* or how many first versus second violins are called for in the orchestra of *Porgy and Bess*?\* Instead it has fallen to a team of musicians and scholars organized by the University of Michigan to address these questions.

What began with an email from Todd Gershwin, great nephew of George and Ira, has since become a reality. Announced in the fall of 2013, the *George and Ira Gershwin Critical Edition* is a unique agreement between the Gershwin families, the University of Michigan, and Schott Music International (through European American Music). The goal of the project is to create new authoritative editions of all of George and Ira Gershwin's creative works including orchestral compositions, opera and musical theatre, chamber and solo works, independent songs and film scores. Our editorial boards include scholars from across the nation, staff from the Library of Congress, and musicians. I am especially grateful that a meeting with the ICSOM board in 2010 led to the appointment of Karen Schnackenberg, Principal Librarian of the Dallas Symphony Orchestra, to the project's editorial board and, in turn, regular consultations with members of the Major Orchestra Librarians' Association.

Publications in the *Gershwin Critical Edition* will represent the words and music of the Gershwin brothers in the clearest and most authoritative manner possible. Each edition will include a brief historical introduction and notes on the interpretive issues uncovered by the editing process. Editorial notes will carefully describe all sources used to create the edition and any and all editorial adjustments made. We will remove decades of editorial "improvements" made to the Gershwins' works by well-intended publishers, while footnotes will track performance traditions that have all but become part of these scores. Rather than library editions, the project seeks to publish >

\*For *Porgy and Bess* there should be twice as many first violins as seconds. This explains why Gershwin so frequently divides the firsts in half, but not the seconds—he wants the result to be three equal voices.

newly engraved scores and parts that are not only reliable and professional, but are convenient to use in performance. Instrumental parts, for example, will be free of editorial brackets and dashed slurs that might obscure or clutter. Before publication, scores will be test-driven by both student musicians at the University of Michigan (U-M) and professionals at partner orchestras throughout the United States. The Detroit Symphony Orchestra is already an official partner, and conductors such as Michael Tilson Thomas, Andrew Litton, and Laura Jackson serve as members of our Advisory Board.

Fundraising allowed the U-M Gershwin Office to open in the spring of 2015 and Jessica Getman was appointed full-time Managing Editor. Progress on three initial editions is proceeding rapidly and we expect the first editions to appear early in 2017. Parts may be available for rental even earlier. The initial editions include the 1924 jazz band version of *Rhapsody in Blue*, featuring some 40 bars of piano solo recovered from sketches, the 1928 orchestral tone poem *An American in Paris*, and an all-new edition of *Porgy and Bess*, which for the first-time will be published in an edition in which the full score and the vocal score have the same number of measures.

The critical edition of *An American in Paris* offers insight into our editorial work. The new score is rooted in a clean transcription of George Gershwin's handwritten full score now held in the Library of Congress in Washington, D.C. This archival treasure contains an original ink layer, plus several layers of revisions and changes made in ink, pencil and colored pencil. All but a handful of these revisions were made before or shortly after the New York Philharmonic's December 1928 world premiere and are confirmed by a February 1929 recording supervised by the composer. Fortunately, Gershwin's own painterly handwriting is clearly identifiable throughout the score.

In part, our task in editing *An American in Paris* is to remove corrections and adjustments made to the score to make Gershwin's musical voice more palatable to mid-century ensembles and listeners. These changes made Gershwin's music a bit less modernist, less jazz-inflected, and more classical. The saxophone parts of *An American in Paris*, for example, were simplified in the 1940s to eliminate doubling and tripling fees for the musicians. Gershwin's original score calls for three players, but rather than perform on just alto, tenor, and baritone saxophones throughout the entire score, the original parts call for the saxophonists to pick up three soprano saxophones to sound the Charleston dance theme. Later, they conclude the

piece all playing alto.

Another remarkable finding concerns the iconic taxi horns of *An American in Paris*. It turns out that for the past 70 years, the pitches used are not what Gershwin intended. George famously selected four taxi horns for use in the piece from more than twenty he purchased in Paris. Diaries and interviews confirm that George was searching for horns that sounded specific pitches, and thus that these acoustic souvenirs are more than just sound effects, they are melodic and harmonic components of his musical argument. Nevertheless, the composer's score notates the taxi horns in the percussion parts on a single-line staff in a manner typical of a snare drum, triangle, or other unpitched percussion. Gershwin then marks each taxi horn motto with a letter A, B, C, or D to indicate which taxi horn should sound. Since at least the 1940s and performances by the NBC



Courtesy of the Ira and Leonore Gershwin Trusts

Composer George Gershwin (left) with Cincinnati Symphony Orchestra percussionist James Rosenberg, who performed the taxi horn parts in the orchestra's February 1929 performances of *An American in Paris*. Note: Rosenberg is the father of current Chicago Symphony Orchestra percussionist James Ross.

Symphony and New York Philharmonic conducted by Arturo Toscanini and Arthur Rodzinski, these letters have been interpreted as pitch names. However, the 1929 recording combined with a recently uncovered photograph (see figure) reveal that these alphabet notations are merely labels for the four taxi horns and that the original sounding pitches of the horns Gershwin had selected were A<sup>b</sup> and B<sup>b</sup> (above middle C), a high D (a third above the B<sup>b</sup>), and a low A (a third below middle C). The new score also corrects a small number of note errors and, most importantly, restores and clarifies Gershwin's markings for dynamics, articulations, and bowings. I expect that musicians will make this score their own through interpretation in performance, but the new pristine edition will result in less wasted rehearsal

time and more compelling and convincing performances.

It is truly an honor for me to serve as Editor-in-Chief of the *George and Ira Gershwin Critical Edition*. As a former professional bassoonist and member of Local 10-208 in Chicago, my personal goal is that these new editions will not only serve to honor the creative legacy of the Gershwin brothers by representing their music accurately, but I hope that these scores will meet and exceed the needs of professional musicians. <

*Note: The author is Professor of Musicology and the Editor-in-Chief of the George and Ira Gershwin Critical Edition at the University of Michigan, School of Music, Theatre & Dance. More information is available at <http://www.music.umich.edu/ami/gershwin>. Questions may be sent to [GershwinEdition@umich.edu](mailto:GershwinEdition@umich.edu).*

## Secretary's Report

By Laura Ross

In my last column I wrote about the AFM's pursuit of a new federal law to require AM/FM broadcasters to pay royalties to all musicians. The bill—nicknamed Fair Play, Fair Pay—would level the playing field so that AM/FM radio no longer has an unfair advantage over digital music services, and so musicians could finally be compensated for their artistry.

Now I'd like to examine some of the AFM's activities in the area of recording and how they might impact ICSOM.

We are all well aware of how the delivery of music has changed over the years. What began as phonograph recordings years ago—and grew to include tapes and compact discs—now runs the gamut from streaming services and downloads both



Robby Klein

tethered (or non-permanent, meaning you can download it to your device but only as long as you maintain a subscription), and untethered (or permanent, meaning you can download it permanently to your computer, phone or listening device), to other types of digital material such as ringtones, ring backs (the tunes you hear when someone puts you on hold), musical

greeting cards, etc. There have been enormous and accelerating changes in the music delivery medium. As the revenue from these delivery methods has decreased, it has become almost impossible to accrue enough money in some formats to make it cost-effective to collect, administer, and pay individual musicians for their work.

Following the passage of the Digital Performance Right in Sound Recordings Act, SoundExchange was formed to administer, collect and distribute the digital royalties to featured artists and copyright holders. The AFM & AFTRA Intellectual Property Rights Distribution Fund (renamed AFM & SAG-AFTRA IPRD Fund after the SAG and AFTRA merger) was formed by the AFM and the American Federation of Television and Radio Artists (AFTRA) to receive and distribute the non-featured artists' five-percent share from SoundExchange to session musicians and vocalists. At the ICSOM conference we hear yearly reports from the AFM & SAG-AFTRA Fund because it also handles the royalty distribution for a special group of featured artists: symphony orchestras. Our orchestras have only recently begun to receive royalties for the digital broadcast of their recordings, and those amounts are increasing.

The health of the American Federation of Musicians and Employers' Pension Fund (AFM-EPF) is of direct concern to many ICSOM orchestras, and in the area of recordings the AFM has worked to identify additional income sources in a number of distinct ways. First, AFM-EPF revenue was increased by raising pension contribution rates in multiple national recording agreement negotiations, including the Symphony-Opera-Ballet Integrated Media Agreement (IMA).

Second, with the approval of Local representatives and Recording Musicians Association (RMA) members negotiating the Sound Recording Labor Agreement (SRLA, also called the "Phono" Agreement), the AFM negotiated language that provides the AFM-EPF with a portion of revenue from non-

traditional licenses of sound recordings such as licenses for musical greeting cards. The amounts of money involved in the kinds of licensing agreements covered by this new language are relatively small and would have been difficult and costly to disperse to individual musicians. The AFM found a new way of thinking about these licenses: benefit musicians by benefiting their pension fund.


Third, an agreement negotiated in 2012 provides that specified payments from the record companies for certain digital streaming revenues that are not subject to SoundExchange collections be paid to the AFM-EPF. These payments had previously been directed to the AFM & AFTRA IPRD Fund under a 1994 agreement known as "The 1994 MOU". These two new forms of contributions to the AFM-EPF are not attributable to individual musicians and, unlike most other types of contributions to the Fund, they don't create additional liabilities—they just help pay for the existing liabilities. In total these two types of contributions have already exceeded \$8 million, and the AFM expects streaming revenue in particular to increase exponentially over time.

As a bit of background, a major activity undertaken by the AFM-EPF is to audit the major signatory recording labels, television studios and motion picture companies, amongst other employers, to assure that they are making the appropriate contributions as defined in the various AFM contracts. The most difficult and time intensive audits are those of the record labels. As a result of these audits, The Fund discovered that, in many cases, required contributions have not been made. The AFM-EPF subsequently filed a lawsuit in August 2015 against many of the major record labels, contending that they are failing to comply with their obligations to make contributions on foreign streaming revenues, foreign non-permanent downloads, and ring backs. While the finer points of the lawsuit are beyond the scope of this article, a favorable outcome to the lawsuit would be beneficial for the AFM-EPF and all its participants, because it would ensure the pension fund receives a share of the revenue the record companies collect from the foreign streaming and non-permanent audio downloads of the recordings they own, including back catalogs.

The AFM has also gone to court in an effort to obtain record industry compliance with its agreements. In July 2015, the AFM filed suit against Sony Music Entertainment for hiring musicians to record material under the SRLA rather than the AFM Motion Picture Agreement, even though Sony's intent was always to include it in the film *Michael Jackson This Is It*. Sony has also refused to sign a single project agreement, which would provide years of residual payments from the Motion Picture Secondary Markets Fund to those musicians who performed this work. The suit also alleges additional violations by Sony in regard to new-use payments for *This Is It* and other multiple high profile projects and artists.

So how do our orchestras benefit from these actions? In the case of the AFM-EPF lawsuit, aside from the obvious additional funding for the pension fund, it would directly confirm the continuing economic value of orchestra recordings, including the many older commercial recordings by our orchestras. And of course many of our orchestras have recorded under the terms of the Sound Recording Labor Agreement (SRLA), so a positive outcome in regard to foreign streaming would mean additional >>

payments for those recordings as well. A favorable outcome of the AFM lawsuit against Sony could mean additional wages for many AFM members.

The AFM will continue to look for new income sources. The AFM-EPF and AFM lawsuits reinforce to employers that they must honor the agreements they sign. 

## The St. Louis Symphony Sells Modern Music

By Chris Woehr, SLS ICSOM Delegate

Each orchestra seems to have something uniquely its own, something recognized locally and especially nationally as a defining characteristic. The St. Louis Symphony's signature, for many decades, has been contemporary music. At different points in its history, St. Louis has run with this reputation, touring and recording to show off its perceived strength. In the days of "Composers-in-Residence", St. Louis always seemed to have a prominent one. They would come into town, shout comments from the balcony during rehearsals, give memorable and personal pre-concert talks, and take bows after their pieces. They sometimes worked very actively as advocates of new music, and of creativity within the orchestra in general. As national funding became scarcer, the Composer-in-Residence disappeared from St. Louis. But we still retained the reputation for New Music.



Chris Woehr

To those in the orchestra who couldn't stand modern music, this has been a mixed blessing. There are veterans who remember our Carnegie Hall concerts chiefly by which programs they thought were the ugliest. That said, it's generally acknowledged that this image of the orchestra has been successful in helping get us back to Carnegie annually, in getting our recordings on the shelves (where recording shelves still existed), and in keeping up our modern music chops. As new music directors come in, they each have a new favorite living composer to anchor the tours. Thus the orchestra keeps its reputation and road cred, and composers everywhere drown in gratitude or jealousy.

On January 16, the St. Louis Symphony performed, to standing room only, the St. Louis premiere of Olivier Messiaen's *From the Canyons to the Stars....* In addition to the highly demanding score, the performance featured an evidently stunning visual component based on photography and video of US national parks, as created by visual artist Deborah O'Grady. I say evidently because I only heard the radio broadcast, since the concert was for a much-reduced orchestra and was sold out. It was also the only St. Louis performance, as the orchestra was preparing for a California tour in ten days, probably helping with the considerable buzz, crowd, and ovation. O'Grady is also the spouse of composer John Adams, whose work was featured on another program. And so we got to see them both several times through the challenging month.

The most creative aspect of this whole endeavor may have been the management's booking skills. By splitting the orchestra, it was able to program the week before with Mahler 5 and the Adams Saxophone Concerto. Then came California,


with a great time had by all; then the Mahler/Adams people returned to play a string program back in St. Loo, with the original Messiaen crew staying in California for *Canyons* and



Deborah O'Grady

Bryce Canyon

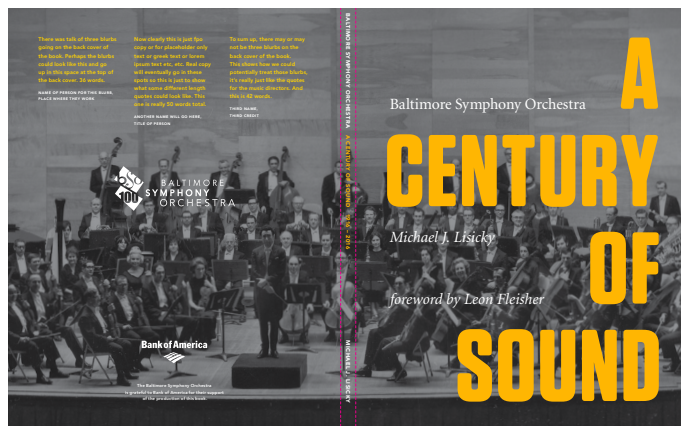
associated master classes. Although the tour schedule looked confusing to the eye (and easy to screw up), it actually made great sense both artistically and logistically. I applaud the St. Louis Symphony management for its worthy undertaking. The busy month increased our visibility, wasted no musicians, and presented terrific repertoire to appreciative audiences.

It is sometimes hard to remember that difficult repertoire, when programmed intelligently and strategically, can actually serve to place an orchestra on the map. 

## Orchestra Newslets

### A Century of Sound

Baltimore Symphony oboist Michael Lisicky, also nationally known as a department store historian, author, and lecturer, has written a book about the Baltimore Symphony Orchestra's first one hundred years, entitled *Baltimore Symphony Orchestra: A Century of Sound*. Lisicky has done extensive research through BSO archives, as well as information gathered from



other sources, including current and former musicians, audience members, music directors, managers, and community leaders.

The book traces the origin of the Baltimore Symphony as the first American orchestra created by a municipality, with a clear mandate to provide music for the citizens of Baltimore, >>



both for listening pleasure and for educational purposes. The building of the Joseph Meyerhoff Symphony Hall, finished in 1982, is featured prominently, as well as the orchestra's concurrent artistic rise in stature. *Baltimore Sun* music critic Tim Smith, in a review, noted that the book does not gloss over the difficult parts of the orchestra's history, and called it a "breezy, informative ride through 100 eventful years."

*Note: the book can be obtained at <https://www.bsomusic.org/online-store/bsocentennial/centennial-book.aspx>*

### ICSOM at the Grammys

Three ICSOM orchestras were featured on albums that won awards at the 58th Grammy Awards held on February 15. The Boston Symphony Orchestra's album *Shostakovich: Under Stalin's Shadow* won the award for Best Orchestral Performance. It was the first of several planned recordings of the orchestra in collaboration with its Music Director Andris Nelsons and Deutsche Grammophon [Note: see the *Orchestra Newslets* in the May 2015 issue of Senza Sordino]. Recorded live at Symphony Hall, Boston, in 2015, the album includes the composer's 10th Symphony and the "Passacaglia" from Act II of his opera *Lady Macbeth of Mtsensk*.



and dissolve itself. The gift, made in memory of the late orchestra board member and patron Lee Henderson, will establish the Bellwether Fund. A committee of musicians will oversee the Fund, working together with orchestra staff to undertake community and educational programming.

"We are really pleased the musicians have made this decision," said Minnesota Orchestra President and CEO Kevin Smith. "It represents a significant step forward for the Orchestra and recognizes that we serve our mission best when we harness the unified strength of the entire organization."

The Bellwether Fund will continue the mission of the former MOM, whose independently produced programming has already begun to be incorporated into that of the orchestra, in such programs as the "Symphonic Adventures" concerts in area high schools, and the "Sensory Friendly" concerts providing an appropriate concert experience for those with disabilities.

Kate Nettleman, President of the Board of MOM, said, "We Musicians thank you for believing in and supporting us during our time of great need during the lockout. The gift...represents our committed ongoing investment in the mighty Minnesota Orchestra. We are proud of all that the Orchestra has accomplished—working as a unified team, in concert with our greater community—and we know that our Minnesota Orchestra will continue to shine brightly, far into the future."

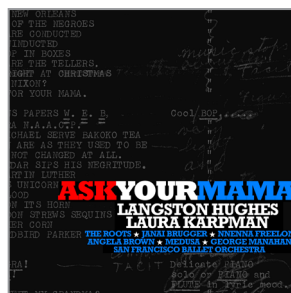
### Rochester Finds Retirement Plan Savings

The Retirement Plan Committee of the Rochester Philharmonic, tasked by the Board in the spring of 2015 with reviewing the fiduciary risks of the staff and musician retirement plans, quickly recognized a key lack of expertise among its members. The joint committee, comprising two musicians and three staff members, proceeded to interview and hire a financial advisor. The serendipitous result was the discovery that the current plans include redundant administrative costs, buried fees, and high overall costs to the participants. The committee has crafted a proposal (just approved by the musicians as of this writing) that would combine the separate plans under one provider—eliminating unnecessary administrative fees, collecting all the assets into one large pool, and achieving a lower overall cost ratio as a result of the larger asset size. The combined effect of these changes is expected to be an annual cost savings of at least \$20,000. As an additional benefit, the musicians and staff will also be able to take advantage of future educational offerings provided by the financial advisor.



The late composer Stephen Paulus has three works on the album featuring the Nashville Symphony that won the award for Best Classical Compendium. The orchestra's principal string players (Jun Iwasaki, Carolyn Wann Bailey, Daniel Reinker, and Anthony LaMarchina) performed as soloists on his Concerto for String Quartet and Orchestra (*Three Places of Enlightenment*), and the orchestra's Music Director, Giancarlo Guerrero conducted.

The San Francisco Ballet Orchestra, conducted by George Manahan, is one of several featured artists on the album *Ask Your Mama*, which won the award for Best Engineered Album, Classical, and was one of the albums cited in the award for Producer of the Year, Classical. Langston Hughes' eponymous poem contains musical notations, which the composer Laura Karpman decided in 2004 to fully realize. The work premiered at Carnegie Hall in 2009.



### New Music Directors on the East Coast

Jaap van Zweden has been appointed Music Director of the New York Philharmonic beginning the 2018-19 season. He will succeed Alan Gilbert, who has been Music Director since 2009. Gilbert's final season as music director will be 2016-17. Van Zweden will be Music Director Designate for the 2017-18 season, conducting several weeks that season. As Music Director, he will conduct 12 weeks each season, plus tours, during his five-year contract. Maestro van Zweden is currently Music Director of the Dallas Symphony Orchestra. "As the re-building of David Geffen Hall rapidly approaches, the musicians of the NY Philharmonic are excited to have Jaap van Zweden at the >>

### Minnesota Orchestra Musicians Donation

The Minnesota Orchestra Musicians (MOM), a 501(c)(3) organization formed in February, 2013, during the lockout of the Minnesota Orchestra, announced that it will donate the remainder of its assets—\$250,000—to the Minnesota Orchestra

helm during the two year displacement and reopening of the new hall. Maestro van Zweden has the energy both on and off the podium to turn the challenges into new opportunities with the NY audiences, while keeping artistic standards at a very high level,” said Ken Mirkin, NYP ICSOM delegate and Negotiating Committee Chair.

233 miles down the road from Geffen Hall at the Kennedy Center in Washington, DC, the National Symphony Orchestra has also named a new Music Director, Gianandrea Noseda. Jennifer Mondie, Member-at-Large and NSO Orchestra Committee chairman, said, “From the first moments of collaboration with maestro Noseda in his appearance in 2011, the orchestra felt a deep connection. It is with great enthusiasm that we start this adventure together.”

Noseda will succeed Christoph Eschenbach, who has held the post since 2010. Eschenbach will continue through the 2016-17 season, becoming Music Director Emeritus thereafter. Noseda will assume the Music Directorship in the 2017-18 season with seven weeks in front of the orchestra that season and then 12 weeks annually thereafter for the remainder of his four-year contract. Noseda is currently the Music Director of Teatro Regio di Torino and has held various titles with the Mariinsky Theatre, the Rotterdam Philharmonic, the BBC Philharmonic, and the Israel Philharmonic.

## New Education Grant in Nashville

The Nashville Symphony announced the receipt of a nearly \$1 million grant in January. The donation, from the Mellon Foundation, will largely fund a new education program by the orchestra, called “Accelerando”, that seeks to increase the number of minority orchestral musicians.

Accelerando will identify talented pre-college orchestral musicians of ethnically diverse backgrounds through an audition process. The selected students will receive free private instruction from members of the orchestra (or other highly qualified instructors), as well as complimentary tickets to Nashville Symphony concerts and solo and chamber music performance opportunities. Initially, the orchestra intends to enroll six students, adding five more students per year until reaching the program capacity of 24 students. The first round of auditions will take place on March 12, with the program beginning this September.

Quoted in an article in the *Nashville Scene*, Nashville Symphony education director Walter Bitner said, “The grant will provide us with 75 percent of the funding we’ll need for Accelerando for the next six years. We’ll still need to raise an additional \$300,000 in matching funds, but what the Mellon grant means is we can now move forward with Accelerando and really do it right.”



Senza Sordino is also published online at  
[www.icsom.org/senzasordino/](http://www.icsom.org/senzasordino/)

Members who would like to opt out of a paper copy and receive an electronic copy instead may do so by emailing the editor at [pdeboor@gmail.com](mailto:pdeboor@gmail.com). Address changes of both kinds should also be sent to the editor.

## Columbus Symphony Orchestra Outreach (continued)

began by making cold calls to local organizations and businesses, explaining what the orchestra’s small ensembles had to offer and asking those organizations if they would be interested in a performance.

Since then, the musicians have been performing at the Columbus Museum of Art, Nationwide Insurance headquarters, Cardinal Health headquarters, Nationwide Children’s Hospital, The Ohio State University James Cancer Center, Franklin Park Conservatory, shopping malls, community events, retirement communities and the Franklin County Juvenile Detention Center. Also, at Linda’s insistence, educational “informances” and coaching sessions were added to our roster of possible outreach services.

The musicians requested signage so that ensembles playing in large public spaces would be recognized as CSO members. Management provided those signs, and now there are banners, brochures, and sometimes even symphony tickets for sale at our outreach performances. We have reached thousands of people during the past two years of outreach, and now that management has become more involved with signs and handouts, the musicians have the impression that our efforts are highly effective. With these changes, no one in the audience doubts that we’re representing the Columbus Symphony!

Many of the outreach events also offer opportunities for the musicians to speak with the audience. Such interaction, along with the chance to see and hear the musicians up close has created stronger connections between the musicians and the community we serve. The musicians performing in these



David Niwa and Alicia Hui, violins, Karl Pedersen, viola, Luis Biava, cello, at Chemical Abstracts Service cafe

events feel that our relevance in the community is increasing by leaps and bounds.

Now that funding is in place, the number of small ensemble outreach performances presented by the CSO has more than quadrupled from an average of around 10 per year to the projected 44 this season. (This is impressive for an orchestra that nearly disappeared due to financial crises in 2008 and again in 2010.) Also, the CSO presents many other performances as >>

an orchestra that may be categorized as outreach, so the total number of outreach concerts is much higher than stated above.

On January 31 the *Columbus Dispatch* published an extensive article entitled "Playing the Field" about the CSO's outreach initiatives. Public response to the article has been remarkable; it's no longer necessary for our personnel manager to search for performance opportunities for the musicians. Ever since the




Linda Oser

Randall Hester, flute, Robert Royse, oboe, and Betsy Sturdevant, bassoon, performing at Nationwide Children's Hospital

*Dispatch* article appeared, the CSO office has been deluged with requests for outreach performances. The success and popularity of the small ensemble outreach program will hopefully result in new contributions for the outreach endowment.

Our new music director Rossen Milanov has inspired several community engagement initiatives for the full orchestra, such as the CSO Instructs program, which is being piloted this season in partnership with PlayUSA program of Carnegie Hall's Weill Institute. This program connects CSO musicians with Columbus City Schools students for private music lessons. The Link Up program, also introduced by Rossen, provides interactive educational concerts serving thousands of elementary school students in central Ohio. A couple of years ago the CSO began offering Community Side-by-Side programs that have been wildly popular. We had already been presenting regular Side-by-Sides with the Columbus Symphony Youth Orchestra, but the community version was an unexpected hit which will now be presented annually. Our video entitled "Side by Side with the CSO" has received worldwide exposure.

Rossen has also encouraged the musicians to volunteer without our instruments in the community to further establish our relevance. To that end, we have been donating items and serving meals to the homeless. All of these efforts have secured our position and importance in the Columbus community, paving the way for the board and the development department to garner support for the orchestra. 

*Senza Sordino* is the official voice of ICSOM and reflects ICSOM policy. However, there are many topics discussed in *Senza Sordino* on which ICSOM has no official policy; the opinions thus expressed in *Senza Sordino* are those of the author(s) and not necessarily of ICSOM, its officers, or members. Articles and letters expressing differing viewpoints are welcomed.

## Briefly Behind Bars (continued)

City Symphony has a program called Community Connections Initiative, which pays musicians to participate in all manner of projects, and I was sure we could get a group together.

The day of the concert, we arrived at Lansing Prison and were taken in through the various security checkpoints together. First was an airport style screening. The guards examined our bags and cases thoroughly, and checked our identifications. Then we were escorted down a long corridor and through a heavy steel door into a relatively small chamber with a guard located behind a window. The door closed behind us. The guard examined our I.D.'s once again. Then another heavy steel door was opened and on the other side was the prison yard.

As we walked across the yard, I was immediately surprised to find myself surrounded by people talking amongst their friends, running on the track, relaxing on benches, reading books; it was almost like being on a college campus. Inside the auditorium there were inmates there to help us set up chairs on stage, show us where to store our cases, and set up the microphone. They were friendly, helpful, and very excited about our concert. They had a real pride in the theater, and in making us feel comfortable and welcome. Later in the evening, the warden told us that the men take better care of the auditorium than they would of their own homes.

Programming for this concert, as often happens, was admittedly dictated more by the constraints of available personnel and rehearsal time than by a concept for the perfect collection of works. We had a string quartet plus flute and clarinet to work with. We settled on three works: Haydn's *London Trio* No. 3, Mozart's *Clarinet Quintet*, and Ligeti's *Old Hungarian Ballroom Dances* for string quartet, flute, and clarinet. As I was preparing my comments, I discovered there was a very appropriate emotional connection between these works and



Courtesy of the Kansas City Symphony

what some of the inmates might be experiencing in their own lives. In the case of the Mozart, the work was written at a very difficult time when he was financially broke from caring for his ill wife, and his music had fallen out of favor. In the case of the Ligeti, this is an example of a work written for the critics in a very imposed style that sounds more like Dvořák and nothing like the avant-garde works with which we are all familiar.

As we performed, there was an incredibly focused quiet in the room, as if we were in any other concert hall. Only once did I notice an inmate start to talk during the Mozart Quintet, and immediately another inmate beside him insisted he be quiet. The prisoners were some of the most engaged and enthusiastic audience members for whom we have ever played. The applause >

after our first offering, the Haydn Trio, was overwhelming, and instantly relieved any concern over how we would be received.

We finished the program with what turned out to be a rather long Q & A session. The inmates asked so much more than the predictable “how old were you when you started learning music” and “what’s your favorite piece”. They asked questions about life as a symphony musician. They even asked if we could teach them some music. One gentleman simply wanted to know if we would consider another visit. Our promise to return elicited yet another round of boisterous applause and cheers.

The inmates were permitted to come speak to us one on one as we packed up our instruments, and they literally lined up to shake our hands, and have a word. One inmate wanted to send his mother a birthday card with all of our signatures on it. Others simply wanted to share their own stories of how our music was meaningful to them, or how it made their day better.

Following the concert, the warden escorted us on a brief tour of the prison grounds. He spoke at length about the programs at Lansing that are aimed at rehabilitating prisoners. They offer classes in all sorts of academic subjects, all taught by volunteers. They have counseling available which helps inmates reconnect and reconcile with their families on the outside. Inmates have the opportunity to work for pay in the on-site embroidery plant. The goal of all of these programs is to prepare the inmates to return to free society.

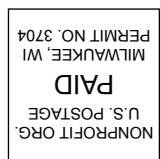
What was truly surprising to learn is that Lansing is much more the exception than the rule. In many prisons, inmates are released back into the world with no money, no education, no

prospects, estranged from their families, and shunned by free society. It is a state of struggle and desperation that often leads them back to crime. It is clear that Lansing’s approach is working. The recidivism rate there is well below the national average.

Nearly all of the prisoners at Lansing will one day be released. While they are incarcerated, it is easy to forget that these people are still part of our community. It was so impactful for us to see just how genuinely these men appreciated the openness and the dignity we showed them. Most of the men assume free people would prefer to lock them up and throw away the key. The simple act of sharing music made them feel remembered, and hopefully will one day inspire them to be more invested and productive members of peaceful law abiding society. One rarely expects a criminal to be gracious, kind, appreciative, compassionate, or humble, yet each person we met exuded all of these qualities. While their crimes cannot be ignored, it can be all too easy to ignore their humanity.

As promised, we returned just this past January with an entirely different group of musicians and performed another concert for a larger, and even more enthusiastic audience. We plan to go back again this spring. I must extend special thanks to Tom Smeed for envisioning this project, Leigh Lynch from Arts in Prison and the staff of the Kansas City Symphony for their support, and most importantly to my fifteen wonderful colleagues who agreed to go behind bars. I hope this story will inspire other musicians to share music with forgotten members of their communities.

*Note: The author is a member of the Kansas City Symphony*



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INTERNATIONAL CONFERENCE OF  
SYMPHONY AND OPERA MUSICIANS

