

Senza Sordino

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EXTRA EDITION

A STUDY IN UNITY FOR BALTIMORE — A FUTURE AT LAST

Charles Underwood, Baltimore Symphony Orchestra

Preface: This is not only a tale of an orchestra's sixteen weeks of trauma. It is a story of courage, resolve and ingenuity.

THE EDITOR.

"Baltimore's different from other cities ... it can't be done here ..." *"Baltimore's a blue collar town ..."* *"The corporations with plants here have their headquarters somewhere else ..."*

Amid the Management rhetoric they had been listening to for fifteen years, with a steadily deteriorating contract and their backs against the wall, the musicians of the Baltimore Symphony Orchestra found themselves in a situation in which all major orchestras in America find themselves at least one point in their evolution: A point at which the players must pull themselves up by their bootstraps — by demanding a contract commensurate with those of other orchestras at a comparable artistic level and in comparable cities, and, more important, by *educating* the Board of Directors, supporters, audience, and the community about the importance and significance of a great symphony orchestra to a city. With these objectives in mind, on September 19, 1981, the musicians dug in their heels for what was to prove to be the longest and most difficult work stoppage in the history of an orchestra to which work stoppages were not uncommon; one in 1967 and another in 1970. With a display of strength and unity which was a negotiator's dream, and which did not falter for the entire sixteen weeks of the lockout, the musicians began their struggle on September 20, the day the Orchestra had been scheduled to start the season, with a performance at Baltimore's "City Fair," one of many waterfront festivals the city holds each summer in the newly renovated Inner Harbor. A free concert was to conclude the three day event in the new "Pier Six Pavilion," a futuristic white fiberglass tentlike affair with remarkable acoustics for such a structure, and a new location for some of our Orchestra's summer concerts. Opened just last July 3, with Yehudi Menuhin as soloist, the pavilion is a beautiful setting for a concert, right on the water at the end of a pier which extends out into the Inner Harbor. At the Orchestra's meeting the night before, the musicians had only scoffed at management's final offer, not even bothering to take a vote. On the advice of counsel Leonard Leibowitz, we decided to volunteer our services the next day anyway — the first day of the lockout — as a gift to the people of Baltimore. The appropriate city officials were contacted, and management was asked for the use of its music. Management refused, so clarinetist Chris Wolfe undertook the task of producing and conducting the concert with less than 24 hours notice, borrowing and copying music from Essex Community College, where he is on the faculty, and from the Peabody Conservatory. The program had to be changed, and student arrangements for several selections were all that were available on such short notice. Soloists were to be dancers Amanda McKerrow, from nearby Rockville, Md.,

who had just won a gold medal in the 16 to 19 year-old category of the quadrennial Moscow International Ballet Competition, and her partner, Simon Dow. Parts could not be found on such short notice for the music to which they were to perform, and since management would not permit us the use of theirs, the dancers performed to tape, and the musicians *remained onstage* during the dancing, thus making management's refusal to cooperate apparent to all. As the musicians filed on stage to begin the concert, we were confronted with a packed house, and when an official's first words, "Ladies and gentlemen, you have before you a group of volunteer musicians ..." were uttered, we were greeted with a thunderous round of cheers and bravos. It was one of the most thrilling moments the downtrodden musicians of our Orchestra had ever experienced, and with the concluding rendition of *Stars and Stripes*, with the requisite fireworks, the event and audience response set the tone of public sentiment for the duration of the lockout. An extremely favorable editorial and cartoon appeared two days later in the *Baltimore Sun*, and from that point on, editorial opinion throughout the City's media was very positive for the entire sixteen weeks.



Credit: Courtesy, Baltimore Sun

The basis of the dispute was the musicians' demand for parity with a group of "peer" orchestras (Cincinnati, Detroit, Houston, Minnesota, National, Pittsburgh, St. Louis, and San Francisco) designated by a Blue Ribbon Panel appointed by the Mayor after the 1970 confrontation, as orchestras with contracts to which Baltimore's should favorably compare. Since that time, however, our contract has steadily lost ground to the contracts of these orchestras — while the city of Baltimore has been experiencing

remarkable growth, and the activities in which our management and Board have been engaging the Orchestra have become more and more impressive. For the city, the renovation and redevelopment of this old East Coast seaport had been getting national attention in many major publications, including *Time* and *Life* magazines. "Harborplace," a festive new waterfront development for dining, shopping, and entertainment (Baltimore's version of Boston's Faneuil Hall), housed in two colorful and imaginative pavilions in our Inner Harbor, has opened, and in its first year of operation, attracted more visitors than Disneyland. A glittering new Hyatt Regency Hotel is housing convention business right across the street. A magnificent new convention center is operating a few blocks away. The city's old neighborhoods are being revitalized with both public and private money. And a new National Aquarium has opened its doors as of last August 8, on Pier 3. Baltimore has been calling itself the "City of the 80's."

The activities of the Orchestra have been better and more numerous during the term of the contract which has just expired than they had been during the Orchestra's entire history prior to the beginning of that contract. We performed a week of concerts in Mexico. We began a series of digital recordings for the Vanguard label. During our highly successful tour of East and West Germany last year, we became the first major American orchestra ever to perform in East Germany. A number of principal chairs have been endowed, and our new concert hall, the Maryland Concert Center, is to open this September 16th, two blocks away from our present hall, the Lyric Theatre, which is undergoing renovation and expansion.

City of the 80's? Definitely. Except for the musicians. And what was being offered us? A heavily backloaded "package" totaling \$140 per week over three years with one additional work week in the third year, making a total of 47 weeks by the expiration of the contract, and *all fringe benefits were to come out of that \$140*. And if we didn't accept the offer, we would be locked out, to prevent disruption by a work stoppage of the festivities next September surrounding the opening of the new hall.

The time had come. Management was sent a letter in which we offered to play and talk in spite of our rejection of the final offer, thus making the work stoppage a lockout, rather than a strike, qualifying the musicians for unemployment benefits under Maryland State Law.

HEALTH BENEFITS AXED

Shortly after our highly successful September 20th City Fair concert, management cut off our health benefits, forcing us to pay them out of our own pockets, and a series of largely fruitless meetings between the two sides with two federal mediators began and continued throughout the lockout. In consultation with our attorneys, Leonard Leibowitz and Phil Sipser, the Players' Committee (also the negotiating committee) carefully calculated every move the Orchestra made during the next four months, with the musicians' unflinching support and cooperation. Weekly orchestra meetings were held each Monday morning in a neighborhood church basement. Subcommittees sprang into action. Violinist John Merrill organized a lockout chamber music series, in which groups of musicians were to perform, among other works, the complete Beethoven String Quartets. Horn player Bill Kendall's father donated the use of his computer to help with mailing addresses. Principal clarinetist Steve Barta's doctor donated emergency services to musicians in dire need. A service exchange list was compiled, on which orchestra members and their families donated services (haircutting, babysitting, etc.) to each other. A telephone hotline was set up at Committee Chairman David Fetter's house and was updated daily for messages to musicians. The Baltimore Central Labor Council and Building Trades Unionists were contacted about the situa-

tion, and the possibility of picketing the site of the new hall, still under construction, was discussed. It was decided that picketing would not be in our best interests at this point because public opinion was so positive thus far, and we wanted to keep it that way, and because delaying construction of the hall might undermine our strongest bargaining weapon — the September 16 opening date. Chamber groups from the orchestra performed in local restaurants and made our information available to anyone requesting it. Brass ensembles played in the Inner Harbor and at the Aquarium with our literature available. A local graphic artist donated his services to design a lockout "symbol," chamber music series brochure, and benefit concert brochure — each



Baltimore Lockout Symbol

brochure incorporating the symbol. This symbol was also used to produce over 700 two-color "Lockout Buttons," for \$.48 each, which were sold at a profit for \$1.00 each to musicians, supporters, and members of the Symphony and Opera Management. Cellist Paula Virizlay organized "Lockout Chamber Music Benefit and Dinner" at Louie's Cafe and Bookstore. The price was \$25 per person for a buffet dinner and seven continuous hours of chamber music, and it was a big success, with press coverage and a large crowd. The Mt. Vernon Restaurant, in recognition of the importance of the Orchestra to the city and to businesses near the hall, invited the musicians to a complimentary buffet style Greek dinner for which the musicians paid only for drinks. This event also attracted the local television stations. And with the help of Baltimore attorney Steven Loewy, the Players' Committee incorporated and attained nonprofit status.

At 11:00 PM on October 2, Marsha Heller, from the American Symphony Orchestra, telephoned ICSOM Delegate Charles Underwood about performances for which our Orchestra was scheduled in Worcester, Mass., on Oct. 15, 16, and 17. The American Symphony's management was interested in replacing our Orchestra for the dates. American Symphony Orchestra musicians had made their opposition to scabbing us clear, and ICSOM Orchestras were asked to cooperate. This generated some negative publicity in Baltimore for the musicians, but we feel it demonstrated our resolve and determination to our management.

On Oct. 21, our Players' Committee met with the Mayor in his office at City Hall, a short time after management had done so. His position was that the two sides were too far apart for him to become involved yet.

PLAYERS SELL SERVICES TO OPERA

Through our management, the Baltimore Opera Company contracts the Baltimore Symphony Orchestra to serve as its opera orchestra, and it appeared that the lockout would cause the cancellation of the season's first performances, of *Carmen*. It was the musicians' handling of this matter which may have been the decisive move to demonstrate our seriousness to management — our willingness to allow the lockout to continue for a very long time if necessary, by adding substantial amounts of money to our welfare fund while continuing to collect unemployment benefits. Baltimore Opera Company Manager Jay Holbrook contacted our Committee about playing the Opera in spite of the lockout; otherwise, the first opera would have to be cancelled, and that could result in the loss of the Opera's entire season. After much Committee and Orchestra discussion, it was decided

that playing the Opera as volunteers, in return for a \$28,800 contribution from the Opera Company to the Players' Committee Welfare Fund, and for the favorable publicity, would definitely be in our best interests. When Mr. Holbrook spoke to the audience prior to the start of each of the three performances of *Carmen*, explaining that again the musicians were volunteering their services, this time to save the Opera, our Orchestra was again greeted with the positive ovation to which we were now becoming accustomed, and audience and community support were again apparent to all present, including the Mayor, who was in attendance on opening night.

At the next of the fruitless negotiation meetings, the raised voice of management attorney Earle K. Shawe, Esq., could be heard through the walls from two rooms away at the offices of the Federal Mediation and Conciliation Service in Baltimore, where he and Leonard Leibowitz were caucusing. When Len returned to the Committee's room, he explained that management was frantic about the fact that the Musicians had simply bypassed them, engaged themselves to play the Opera, and *upped the price* — from the \$22,000 fee our management was going to charge for the rehearsals and three performances — to the \$28,800 contribution to our Welfare Fund — based on the fact that we were determined to demonstrate that we were worth more than we were currently being paid, and also on a calculation which brought the value of our Welfare Fund, when the \$28,800 was added, to a grand total which would have made it possible to extend our \$100 Strike Fund payments to ourselves for three more weeks after the A.F. of M. Strike Fund had run out. The enormous value of the Strike Fund to our Orchestra — *and therefore to ICSOM and the symphonic industry nationwide* — has again been clearly demonstrated, and every possible effort on the part of all of us must be made to assure the continued viability of this valuable resource, no matter what the cost. The following month, the musicians played the second opera under a similar arrangement, except that instead of speaking to the audience, which was now familiar with what was going on, Mr. Holbrook assisted us in promoting a December benefit concert, by mailing our material promoting the event to Baltimore Opera subscribers.

EXAMINER GRANTS UNEMPLOYMENT BENEFITS

In response to our continued success, management, on October 21th (the same day as our meeting with the Mayor), challenged our qualification for unemployment compensation at a hearing at the offices of the Maryland Department of Human Resources. Present were several Players' Committee members and other Orchestra members, representatives from management and the Board, Management attorneys Earle Shawe and Leslie Stelman, Leonard Leibowitz, and the unemployment examiner. For one and one half hours, Mr. Shawe attempted to demonstrate that the musicians were not qualified to collect unemployment benefits, with the dubious argument that the lockout was "defensive," rather than "offensive" — claiming that management was only doing what it had to do to avoid the feared work stoppage when the new hall was scheduled to open. Mr. Leibowitz took approximately five minutes to respond by placing into evidence management's letter stating that without an agreement, there would be no performances by the Orchestra, and the musicians' letter offering to play under the terms of the old contract while continuing to negotiate a new one. Management also argued that the Opera's contribution to our Welfare Fund should be considered earnings, and that we should certainly not be entitled to unemployment for an opera week. Several days later, we had a decision. The examiner ruled in the musicians' favor on the first issue — that we were, indeed, locked out and entitled to benefits. On the second issue, he ruled in management's favor, so the musicians had to do without unemployment for the opera week. "No problem," we said, and simply paid our members who had played the Opera an amount equal to that which they

would otherwise have collected in unemployment — and put the remainder in our Welfare Fund. This, therefore, qualified those who played the Opera for another week of unemployment beyond the 26 weeks past which benefits were to expire. This worked out equally as well as our original plan; we were flexible — and perfectly happy to cooperate with management on this matter. A number of musicians were able to find free lance and other work, and thus able to postpone the expiration of their unemployment benefits.

On the afternoon of December 10, the Mayor visited one of our negotiation meetings. He explained that he *very rarely* becomes involved in labor disputes, but that because ours was a matter of great concern to him, this visit was his "big move." He then said that he did not want us to stop negotiating until we had a settlement, and that he would be available to do anything he possibly could to help us achieve it, as long as it was between the hours of 7:00 in the morning and 11:00 at night. Negotiations ended early that evening.

Still thinking, apparently, that the Players' Committee consisted of a bunch of radicals who did not accurately represent the views of the majority of the musicians, management mailed each member of the Orchestra, on December 11, a registered letter outlining and requesting a vote on its "final" offer (still considerably less than what management finally committed themselves to), in anticipation of our weekly Monday morning Orchestra meeting to be held three days hence. If rejected, management contended, there would be no choice but to cancel the season. Instead of voting on the offer itself, the musicians unanimously voted an expression of support for and faith in its committee, and directed it to bring back a package it could recommend.

BENEFIT RAISES BUCKS

The musicians' crowning achievement took place on December 19th, when, due in large measure to the efforts of Principal Bassoonist Phil Kolker, with the enormous help of many, including local arts activist Ruth Oppenheimer and pianist and Peabody Conservatory faculty member Leon Fleisher, who obtained the additional help of pianist Andre Watts, the musicians produced and performed a triumphant, sold out benefit concert for themselves at Baltimore's Lyric Theatre. The Lyric

**BSO Musicians
Lockout Benefit Dinner**

*An evening of continuous chamber music
by Baltimore Symphony Orchestra musicians.
Buffet dinner served throughout.*

Dinner at



518 N. Charles St. 962-1222



Wed. Dec. 9, 1981
5 PM - Midnight

Cash Bar
Admission: \$25.00

No 0390

management attempted to deny us use of the Theatre for our benefit, but with the leadership of Phil Kolker and the help of Orchestra members and Baltimore attorney Ronald Shapiro, we argued, in arbitration, that because the Lyric was a public facility, we were entitled to use it . . . and won again. Messrs. Fleisher and Watts and Mrs. Oppenheimer donated their services, and the result could be adequately appreciated only by one who was present on this remarkable occasion. Prior to the concert, two separate brass ensembles situated opposite each other on the upper level of the stunning new outer lobby of the Lyric Theatre (part of the ongoing renovation and expansion of the facility) performed together for the huge crowds assembled on the upper and lower lobby levels. Musicians and several spouses

sold our "Lockout Buttons" and a number of our recordings (by arrangement with a local record store) in the lobby. Three days earlier, the Baltimore *Sun* had published a very positive editorial entitled, "No Symphony Orchestra?" — so our modest programs were stuffed with the editorial, and also with a form to be completed by any audience member wishing to become involved in a "save the symphony" organization. Contrary to our usual procedure, the musicians stayed off stage starting at 8:00 (for the 8:15 concert), until just before the concert was to begin, then filed on stage altogether. Once again, we received the ovation to which we were now accustomed, but it was no less meaningful to us. Leon Fleisher conducted the program of Copland, Rachmaninoff, and Beethoven, with a *Nutcracker* excerpt as an encore. Principal Flutist Tim Day made the arrangements for a lavish backstage party after the concert, and the hardship most musicians were experiencing after 90 days of a lockout was temporarily forgotten. This incredible evening generated more positive publicity, more acclaim, a healthful boost in morale, and an additional \$16,000 net for our Welfare Fund.

"FRIENDS OF THE SYMPHONY" BORN

A series of informal negotiation meetings, without the lawyers for either side, took place just before Christmas, and shortly thereafter, under the leadership of Ruth Oppenheimer, Leon Fleisher, and Ronald Shapiro, an audience association called "Friends of the Symphony" formed, whose objective was to raise an amount of money equal to the difference between management's "final" offer and the Players' demands. This resulted in a further increase in management's offer, leaving the "Friends" with the responsibility of raising a total of approximately \$600,000 during the term of what had now been agreed would be a four year contract, with the understanding that this money would come from sources other than those from which management had customarily solicited funds.

At a meeting which began at 9:45 AM on January 7 and ended at 4:45 AM the following morning, tentative agreement was reached at the law offices of attorney Ronald Shapiro, who performed brilliantly as an informal mediator. Present were Mr. Shapiro, Leon Fleisher, management representatives, and the Players' Committee, with a large contingent of Baltimore's press corps, including the three major television stations, anxiously waiting in the reception area of Mr. Shapiro's office.

There is only one real drawback to an otherwise excellent settlement: Attached to the contract is a letter of intent, stating that the compensation negotiated between the management and players may have to be renegotiated, "... to relieve the Association of cost equal to the amount the "Friends" failed to raise." While the players and Committee are very confident that this money exists in Baltimore and can be raised, and are willing to help accomplish this (with Leon Fleisher's help in securing the services of a big name soloist for a benefit concert at \$50 per ticket in the new hall, \$100,000 could likely be raised in just one evening) there was also very strong feeling on the Players' Committee that this was an improper way to negotiate a contract, that it should not be "open ended," and that it is the management which should have been made ultimately responsible for *all* money to be raised. Nevertheless, this procedure helps accomplish one of our primary mutual goals — to broaden the base of support for the Orchestra, and possibly to cultivate new Board members. The letter of intent's last line reads, "This letter of intent shall not be deemed a precedent for future collective bargaining agreements."

BALTIMORE NOT SHORT OF FRIENDS

Our Orchestra never requested help through ICSOM because we kept waiting for just the right moment for maximum effect — a moment which never came. It is almost impossible to express

our feelings of thanks to all who helped us. We would, however, like to extend our deepest gratitude to the many orchestras and individuals who contacted us with expressions of concern and encouragement, and especially to the musicians of the New York City Opera Orchestra, the National and American Symphony Orchestras, and the Baltimore Local of the United Auto Workers for their kind and unsolicited monetary contributions, to Messrs. Sipser and Leibowitz for their outstanding counsel and advice, to Steven Loewy, for helping us incorporate, to Leon Fleisher and Andre Watts, to Ronald Shapiro and Ruth Oppenheimer, to Jay Holbrook, for his and the Baltimore Opera's help and cooperation, and to Fred Zenone and Carolyn Parks for all their assistance and encouragement.

Players' Committee members were David Bakkegard, David Fetter, Peter Landgren, Leo LePage, Jane Marvine, Delmar Stewart, Charles Underwood, and alternate Phil Kolker. Special thanks to David Fetter, for his tireless work as Players' Committee Chairman, and to Peter Landgren, for an absolutely Herculean job of thorough and accurate record keeping as the Players' Committee Treasurer. Many thanks also to A.F. of M. Local 40-543, Albert Sigismondi, President; Jack Hook, Secretary; and Keith Kummer, Union Steward, for their considerable support.

On January 10, the Musicians voted 76 to 2 to accept the contract, which consists of a \$210 increase over four years, and takes us from 46 weeks with a \$410 weekly scale, four weeks paid vacation, and a \$400 per month pension, to 52 weeks in the third and fourth years with a \$620 weekly scale in the fourth year, seven weeks paid vacation, and a minimum \$800 per month pension, and which provides numerous other improvements in working conditions and fringe benefits, including prescription, family dental, and orthodontics. We expect our scale to be at 80% of parity with the "peer group" average in the fourth year — and hope that the money which went into weeks and benefits in this contract can go into salary to make up the other 20% of parity in the next contract.

On January 20, after the first subscription concert of the truncated 1981-1982 season, the Board held a reception in honor of the musicians at the Lyric Theatre. And with a new four year agreement, a new concert hall opening this September 16th, a strongly united orchestra with morale at an all time high, and audience and community support overwhelmingly demonstrated, the future of the Baltimore Symphony Orchestra and its Musicians has never been brighter.

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