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Minnesota Returns by Marcia Peck, Minnesota Orchestra

By now you are aware that the musicians of the Minnesota Orchestra, still shell-shocked and wary, but strengthened in countless ways by our unity and resolve, returned to the stage of Orchestra Hall in early February. At the musicians' request, Maestro Stanislaw Skrowaczewski, conductor emeritus and music director from 1960 to 1979, was invited to conduct the first pair of "homecoming" concerts. Stan, now 90, was an early and vehement critic of the path the Minnesota Orchestral Association (MOA) chose and had become our "go-to" conductor for many of our self-produced performances. Fittingly, he chose to open the program with his own arrangement of Bach's Toccata and Fugue, with which he had opened Orchestra Hall in 1974. Fans and supporters were on hand at the rehearsals and in force at the performances to share the emotion and to soften the anxiety of returning to the building that had come to symbolize the priorities of an Association that had lost its way.

After 16 months it was easy to imagine that being locked out was the new normal—that we would remain in limbo indefinitely. Much



Photo by Adam Kuenzel

Minnesota flutist Adam Kuenzel's MoMOMobile is appropriately parked outside of Orchestra Hall during the lockout. MoMO is the acronym of the Musicians of the Minnesota Orchestra. Adam used the color scheme used in MoMO lawn signs, T-shirts, and buttons. Will an Osmomobile follow?

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of the story beggars belief. It begins with a very private board with highly top-down governance, poor investment decisions following the financial crisis of 2008, secretive board leadership with limited understanding of the art, and a community that trusted that all was well.

Shielded from public view, a new business model was developed that would focus on using Orchestra Hall for "Pops and Presentations," rentals, corporate events, and a much-diminished "in-house" orchestra. No longer would the hall's main function be that of home to a world-class orchestra. The mission statement of the Minnesota Orchestral Association was changed; any reference to the orchestra itself was removed.

Gradually it came to light that President and CEO Michael Henson had misrepresented the orchestra's finances to the Minnesota legislature while seeking funds for the renovation of Orchestra Hall. Management meeting minutes state that the MOA would manipulate endowment draws in order to "announce" balanced budgets for the purpose of obtaining state funds, but show extreme deficits a year later in preparation for negotiating a contract with the musicians.

Orchestra Hall would be closed for renovations for a full year. Construction was originally planned for the final year of our previous contract. But shortly after securing \$14 million in state funds, it was announced that construction would be delayed and would now coincide with the expiration of the musicians' contract. Meanwhile—and this came to light only much later—months before the lockout began, the MOA had bought up myriad domain names that contained the words "orchestra," "symphony," and "save." In the year leading up to the lockout, while laying off staff, Henson received \$200,000 in bonuses, bringing his compensation to more than \$600,000.

It is not a stretch to imagine that the first (and at the time, final) contract offer containing cuts of 30-50% and more than 200 changes to work rules was intended to incite the musicians to go out on strike during the closure of Orchestra Hall. We offered binding arbitration. The lockout was imposed with dizzying swiftness, at midnight of the day our contract expired. Within hours the MOA cancelled all services for the next two months as well as health insurance coverage for musicians and their families.

In December 2013, when the lockout had already lasted 14 months, the City of Minneapolis called on the MOA to demonstrate how

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Chairperson's Report by Bruce Ridge



Highway 23 Revisited: A look back at ICSOM's 2012 keynote address at the University of Michigan

Recently I was speaking with a group of young musicians preparing to embark upon their professional careers. We were covering many of the issues that symphonic musicians must confront and exploring the important role that advocacy will play for the next generation of orchestral players. Of course, the musicians were interested in the recent, well-publicized difficulties in the field, such as last season's spate of lockouts. I told them that, in my experience, virtually every such problem could be anticipated and avoided. I was asked, "How could the Minnesota Orchestra lockout have been anticipated?"

The question made me revisit a keynote address I delivered at the University of Michigan on March 22, 2012, titled *Danger, Will Robinson! How Hyperbolic, Negative Rhetoric is Hurting America's Orchestras*. The speech was part of the University of Michigan's American Orchestra Summit II, and my remarks caused a bit of discomfort at the event. The address was circulated widely on the Internet, receiving both criticism and praise. I felt on the day I delivered the address that it was my proudest moment as ICSOM chair, and two years later that feeling has grown.

It was not an easy speech to deliver. It was 45 minutes of analysis, and while the focus of the speech was to engage the field in more positive messaging, it did contain some pointed criticism. Historically, the many calls for change in our field have never been met with actual change in the tone of the dialogue. I felt that the time was right for this speech, and since I had been offered this forum, I felt obliged to stand up and make some challenging statements. I was excited and honored when I read reports later that called the speech both "controversial" and "courageous."

I made a lot of observations and predictions in that speech, and to both my satisfaction and dissatisfaction, revisiting the address shows that time has proved the statements correct.

Right now, at this very moment, there are orchestra managements preparing their organizations for extended and unnecessary work stoppages. One in particular will be prominently in the press as early as this fall, but I don't want to name the organization as I have hope that the management will avoid this destructive path. There is still time. But resources spent in this direction are also resources that could be spent promoting their organization.

Immediately following the speech, I received inquiries from the Minneapolis press to inquire if I was speaking of the Minnesota Orchestra. While I avoided those questions at the time, it was pretty clear that
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Governing Board

Bruce Ridge, Chairperson
North Carolina Symphony
505 West Aycock Street
Raleigh, NC 27608
919-833-8720 • Cell 919-971-1160
bruceridge@earthlink.net

Brian Rood, President
Kansas City Symphony
9919 Rosewood Lane
Overland Park, KS 66207
913-706-4164
brianrood@sbcglobal.net

Laura Ross, Secretary
Nashville Symphony
1609 Tammany Drive
Nashville, TN 37206
615-227-2379 • Fax 615-259-9140
lar2vln@comcast.net

Michael Moore, Treasurer
Atlanta Symphony
953 Rosedale Road NE
Atlanta, GA 30306
404-875-TUBA (404-875-8822)
mooretuba@bellsouth.net

Richard Levine, Senza Sordino Editor
San Diego Symphony
2045 Oriole Street
San Diego, CA 92114
619-263-2545 • Fax 619-263-7087
senza@richlevine.com

Matthew Comerford, Member at Large
Chicago Lyric Opera Orchestra
2014 North Pinetree Drive
Arlington Heights, IL 60004
847-392-4135
macmusic3654@yahoo.com

Paul Gunther, Member at Large
Minnesota Orchestra
5532 Rowland Road
Minneapolis, MN 55403
612-232-8689
pbgunther@gmail.com

Gail Kruvand, Member at Large
New York City Opera Orchestra
118 West 71st Street
New York, NY 10023
212-877-1726
gkruvand@earthlink.net

Meredith Snow, Member at Large
Los Angeles Philharmonic
13610 Emelita Street
Van Nuys, CA 91401
818-786-3776
meredsnow@gmail.com

Susan Martin, General Counsel
Martin & Bonnett, PLLC
1850 North Central Avenue, Suite 2010
Phoenix, AZ 85004
602-240-6900 • Fax 602-240-2345
smartin@martinbonnett.com



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Chairperson's Report

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I was. This statement turned out to be even more accurate than I anticipated. Not only was the Minnesota management preparing for an extended lockout of unprecedented length, but the musicians of Indianapolis, Atlanta, and Saint Paul would also face lockouts. All were foreseeable and avoidable.

The musicians of Syracuse will accomplish what their former management could not, and I have no doubt an orchestra will re-emerge.

Since the board of the Syracuse Symphony filed for Chapter 7 liquidation in 2011 (an action I labeled “preventable” at the time in the *Syracuse Post-Standard*), the musicians of the orchestra have taken up the mantle, and great orchestral music has returned to Central New York in the form of Symphoria. While a lot of work remains to ensure the success of this spectacular effort, the musicians are on the path to success by moving in a direction of positive advocacy that their previous management refused even to acknowledge.

In Louisville, an orchestra that has commissioned 120 original compositions and performed over 400 world premieres which served to spread the music of America across the globe is currently functioning as an organization that employs no musicians. It is an orchestra built by the people and led at its founding by a mayor who believed in the concept of Confucianism that said that a city of high culture with happy citizens will attract wealth, business and power to the city. But now, this historic orchestra looks for musicians on Craigslist and through Facebook ads.

The promise of the Louisville Orchestra has been renewed since the time of this speech. The efforts by the previous manager and board president to replace the musicians failed. ICSOM issued statements that spread around the world in 24 hours, urging musicians and teachers to ignore the bogus calls for applications through Craigslist. Today, the Louisville Orchestra moves forward with a new CEO, and new board chair, a new music director, and a new president of their local union, all brought about through the extraordinary dedication and perseverance of the musicians of the orchestra.

Regarding media, I said:

Another manager has challenged the jurisdiction of national media contracts, appealing their lost case numerous times and spending who knows how much in legal fees. That money could have funded multiple projects that would have elevated the organization in the mind of the local and international community. Instead, money raised from donors has gone to lawyers.

Following the Michigan event, the management's appeal was lost again.

I also issued some criticisms of the League of American Orchestras, specifically about their programming for the 2012 League Conference:

I have expressed my concern to the leadership of the League that their programming may be viewed as negative by musicians, and that the chasm may well widen.

On this point, I wish I had not been correct. The chasm has indeed widened, and that is regrettable.

Referencing negative statements by board members, I said:

The leadership of the League must speak out against such destructiveness, and when they do not, it weakens the organization in the eyes of musicians and managers alike.

Regrettably, the League remained silent throughout the Minnesota Orchestra lockout.

[I]n my writings I have called on musicians to avoid casting aspersions towards the League, and I have asked the League to issue similar statements to its members about the way they regard their musicians. While I've yet to hear my public appeal matched, I remain hopeful.

We have yet to hear similar public calls for a change in tone from the League leadership. But that could change. In fact, organizations with differences of opinion can always find ways to work together on shared goals. As we face some difficulties for musicians over the issue of the ban issued by the U.S. Fish and Wildlife Service on items containing ivory, we would like to acknowledge the efforts put into this issue by Heather Noonan, the League's vice president for advocacy in Washington, D.C. Musicians everywhere should thank her for her work, and we hope to find ways to work together, along with AFM Legislative and Political Director Alfonso Pollard in this effort to protect endangered species while also providing guidance and security for musicians and their instruments.

As ICSOM led at its founding, we intend to lead again into a new era of positive advocacy. To musicians everywhere, I call on you to join us in our positive message of advocacy. It is not enough to simply play your instrument. You must be among your audience, out in the lobby of your concert hall. Shake the hands of your audiences, thank your donors, and welcome them into an environment of community that surrounds every orchestra.

Since this speech, ICSOM celebrated its 50th anniversary in Chicago. Our members have clearly taken a greater role in advocacy, with the musicians of nearly every member orchestra now spreading their positive message through social networking and meeting with their patrons in the lobbies of their concert halls. Many positive things have occurred for the field, and I do think the dialogue has improved.

However, a few destructive things have happened as well, and Minnesota must serve as a cautionary tale for us all. The actions of the board and management during the lockout there were despicable,

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Orchestra Newslets

The **North Carolina Symphony**, Music Director Grant Llewellyn, and cellist Zuill Bailey joined forces to celebrate Benjamin Britten's centenary with a release of his *Symphony for Cello and Orchestra*. The recording, released in January on the Telarc label, debuted No. 1 on the *Billboard* Traditional Classical Albums Chart and is a top *New York Times* Classical Playlist pick. Writing in the *Huffington Post*, Sean Martinfield called the CD an "artistic triumph," and the *New York Times* said that the "exciting new recording—a live performance in vivid sound—couples the brilliant, searching American cellist Zuill Bailey with the fine conductor Grant Llewellyn and the North Carolina Symphony." According to delegate Karen Strittmatter Galvin, the North Carolina Symphony and Bailey will also collaborate next season at Meymandi Concert Hall for a live recording of Prokofiev's *Sinfonia Concertante*.



At the beginning of the winter season, the **San Diego Symphony** embarked on its most significant tour to date. Starting with a sold-out concert at Carnegie Hall, with pianist Lang Lang performing as soloist, the tour moved on to China, where there were a total of five performances in Yantai (San Diego's sister city), Shanghai, and Beijing. Music Director Jahja Ling was on the podium for all concerts, with violinists Joshua Bell and Augustin Hadelich alternating as soloists in China. Delegate Sam Hager was impressed by the level of hospitality musicians were shown in Yantai, where, in



Cellist Yao Zhao poses with a statue of his grandfather before a San Diego Symphony concert at Tsinghua University in Beijing, China. The statue was erected upon the grandfather's death to honor his long years service as the university's band director. The grandfather is the one with the bigger smile.

addition to some wonderful food at the many receptions hosted by dignitaries, local musicians performed at the receptions, and local groups presented a musical folk festival held to honor the San Diego Symphony's visit. In Shanghai, as part of the orchestra's outreach activities on the tour, conductors Ling and Ken David Mazur gave a conducting master class, and Hadelich and concertmaster Jeff Thayer gave a violin master class. One concert in Beijing was of special significance to the orchestra's principal cellist, Yao Zhao. The orchestra performed at Tsinghua University, where Yao grew up in the on-campus home of the university's band director, his grandfather.



The **Fort Worth Symphony Orchestra** Players Assembly Outreach and Development Committee was formed in January 2012 for the musicians to strengthen their relationship with the audience, the board, and the community. Since then, the musicians have met pre-concert audiences before 160 concerts. There have also been 24 after-concert "meet and greets." All have been well received. Chamber music performances have been used as a way to reach more people, with musicians performing at board meetings, the Ronald McDonald House, Symphony League functions, and other donor parties. Additionally, there have been three restaurant dinners where the board, donors, and audience members were invited to enjoy an evening of chamber music and mingling with musicians. The committee also created a quarterly newsletter for the board and donors called *Musicians News*. It contains articles that present the ordinary events in musicians' lives taking place outside of music and work, such as, marriages, babies, fun pictures, and travel.



When Renée Fleming sang the "Star Spangled Banner" to open this year's Super Bowl, she was backed by the **New Jersey Symphony Orchestra** in an arrangement prepared for the occasion by Rob Mathes. It was not the first time that Fleming had collaborated with the New Jersey Symphony Orchestra. In January 2012 she sang with NJSO at the New Jersey Performing Arts Center. However, it was an all-time first to have a classical singer featured that way at the Super Bowl. In fact, it was such a rare occasion that online bookmakers were taking unusual bets related to Fleming's performance, including whether she would wear gloves and the length of her performance. New Jersey delegate Bob Wagner says that New Jersey management and AFM SSD's Director of Symphonic Electronic Media Debbie Newmark deserve much credit for working through the many hurdles that had to be overcome to make it happen. For instance, the recording session had to be squeezed between a dress rehearsal and a concert. The effort paid dividends, as the performance received great publicity and reviews.

Minnesota

(continued from page 1)

it was fulfilling the terms of their lease, which required that Orchestra Hall be operated as a performing arts center. In fact, since construction was complete in August, all performing arts events had been moved, cancelled or rescheduled (save for the Symphony Ball, a political fundraiser, and two college Christmas concerts). The initial response from Henson was found to be inadequate, and the city began to pursue next steps that could lead to the loss of the lease. Save Our Symphony Minnesota (SOS-MN) was instrumental in researching the terms of the lease and keeping this issue moving forward.

After our December community meeting, we announced our winter-spring concert series, which would include guest artists Joshua Bell, Kevin Cole, and Itzhak Perlman, as well as a Grammy concert with our former music director, Osmo Vänskä, who resigned during the lockout. Soon after that, a small group of board members began to meet quietly with our negotiating committee. With grim humor we began to refer to it as the Silent Night moment, similar to the Christmas truce of World War I. It took a great deal of work to build enough trust for the musicians to view the other side as legitimate partners in seeking resolution, but it led to what would become an actual negotiation between these same parties. We worked out of public view throughout the holidays and into January. By January 11 we had a tentative agreement, which was ratified on January 14.

The first year of the three-year agreement calls for a 15% cut from our 2012 (pre-lockout) scale. The second and third years promise pay increases of roughly 2% and 3%, respectively (to levels that are about 13% and 10% below the 2012 scale). Musicians will contribute more to the cost of health insurance. And of the 200+ proposed work rule changes, we agreed to about 12. It seems unfortunate that this would need to be specified, but we now have a guaranteed minimum number of classical subscription-type weeks. And there will be quarterly (at minimum) meetings between the members' committee and the board chair. Accepting a cut is, of course, no one's idea of a victory, but we think we are now at a point from which we can start to rebuild. We believe that our stand will prove a bulwark against similar attempts by other orchestra managements to devalue our industry and art.

As of this writing, it is unclear if Osmo will be asked to return or whether he would accept. We ardently hope for both. *[Things have changed since the article was written. Please see the sidebar. —Ed.]* Many of our players are fulfilling their commitments elsewhere and have until August 31 to return. Only fifty were here for our "homecoming" concerts.

The MOA has been roundly disgraced by media and industry watchers around the world. New board leadership is now in place, and there are signs that assurances of a new era of "collaboration" may actually have some validity. Yet we also understand that it will take time to turn around a board of the size, make-up, and governance structure of the Minnesota Orchestra board, recent changes in leadership notwithstanding.

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The Minnesota Saga Continues

As has been true over the past two years, the Minnesota Orchestral Association (MOA) played its most recent decision close to the vest. That may be because the outcome remained unpredictable. Ever since productive negotiations began in earnest last December, we were told that the steps needed to mend a broken organization would have to follow a sequence. And indeed, the three foundational bricks crucial to rebuilding the Minnesota Orchestra after a two-year trauma are finally in place.

We have no words to express the difficulties we have faced, the gratitude we feel toward all who have journeyed with us, and the hope with which we now face the future.

The first brick, of course, was the contract settlement reached in January, which allowed us to return to work February 1—after a full 16 months locked out. In March the MOA announced that, by mutual agreement, CEO Michael Henson, will be stepping down on August 31.

But the third brick remained frustratingly elusive. Finally, on April 24, the board approved a new two-year contract with Osmo Vänskä, returning him to his post as music director. As you no doubt know, he had resigned last fall when our Carnegie Hall residency was canceled, and then he immediately conducted the Musicians of the Minnesota Orchestra in three sold-out, moving programs.

Clearly, there is still much work to do. The lockout together with the (fortunately) failed attempt to change the mission has cost the organization dearly. The musicians are extremely grateful to the true heroes on the board who devoted themselves to the seemingly impossible task of rescuing a Minnesota artistic icon.

The return of Osmo, with whom we have experienced such success during his tenure, was critical to our immediate future. We must hire musicians, rally a battered institution around a vision, and we are in urgent need of organizing the 2014-2015 season. Tony Ross and the artistic advisory committee will now be able to go into high gear to help with artistic planning, both near term and long range.

We see other signs that the new board leadership is working hard to right the ship. A new vice president of advancement has just been appointed. Most significantly, Kevin Smith, who led the Minnesota Opera successfully for 25 years, has agreed to serve as the orchestra's interim president and CEO.

If anything good comes from this debacle, we hope it will be a reinvigorated, watchful public and an institutional commitment to the mission, transparency, and health.

It's clear to us that over the past two years our most powerful weapon and most powerful defense has been our unity. We are bruised, but I have never been prouder to be part of a team. Now, at last, we have the pieces in place to begin the arduous rebuilding. We could not have endured without the help and support of Brad Eggen and Local 30-73 and our ICSOM colleagues across the country. Thank you all.

Marcia Peck

With Help from the Community, Milwaukee Symphony Saves Itself—At Least for Now

by Robert Levine, Milwaukee Symphony

During the summer of 2013 it became increasingly clear to the management and board of the Milwaukee Symphony Orchestra that there would be a substantial operating deficit for the 2012–2013 fiscal year (which ended on August 31). This was due in large part to the withdrawal of several major annual gifts that functioned as bridge funding. A large annual deficit would be a problem in and of itself; what turned it into a crisis was the fact that the MSO had retired its credit line in 2011 with transfers from its endowment funds and had substituted for it a new, and much smaller, line of credit. The combination of the two made getting through the 2012–2013 season appear impossible to the board.

This cash crisis had its source in several long-standing problems. One was that the orchestra neither owns nor controls its main venue, the county-owned Uihlein Hall, so that the MSO competes for weeks in the hall with other tenants, including the Milwaukee Ballet, the Florentine Opera (for which the MSO is the orchestra), and touring Broadway productions. Another was the orchestra's reliance on the United Performing Arts Fund, a kind of United Way for arts groups. Funding from UPAF had decreased almost \$1 million annually over the past 10 years, while the obligations upon the board and management to help UPAF with its fundraising took a great deal of time. Combined with a chronically low earned revenue percentage and a succession of unsuccessful endowment campaigns, these factors all left the orchestra dangerously dependent on very high levels of annual giving for continued survival.

The Players' Council (the local term for the orchestra committee) learned about the potential cash crisis in August. While no proposals had been made by management to re-open the collective bargaining agreement, which would be in its last year, the Council anticipated that most of the possible scenarios would require the musicians to have both legal and PR advice. So after the local sent Council chair Scott Kreger to the ICSOM Conference in August, the Council engaged attorney Kevin Case to help with possible negotiations and consultant Randy Whatley of Cypress Media (and ICSOM's PR consultant) to assist in making our case public should the need arise.

The need did arise, and quite soon thereafter. On September 25 the Council, along with Kevin Case and Randy Whatley, met with MSO management and board representatives to hear their ideas for solving the problem. MSO President and CEO Mark Niehaus (who is on leave from his position as MSO principal trumpet) described his solution as one where everyone would do something: musicians, staff (whose numbers had already been reduced to below 30), the board, the big donors (who would have to come back on board), UPAF, Uihlein Hall, and the community at large. He described his growing discouragement, after he started in September 2012, with the mindset of some of the most powerful people in town, who believed that the solution to the MSO's chronic financial issues was simply a much smaller orchestra (what became known as "the Naples model," as many wealthy Milwaukeeans winter there and know the local orchestra). He made it clear that the board did not support that concept, but that significant savings were going to be required from the orchestra in order to make the other

pieces of the solution fall into place, and in order to reach those savings, management was asking to re-open the CBA.

Management's conceptual proposal was rather surprising. It focused primarily on the reduction of orchestra size from the current 77 full-time musicians to somewhere around 65 through attrition and voluntary early retirements. Cuts in health insurance (which, in Wisconsin, is quite expensive compared to surrounding states) were also proposed, as well as spreading the 40 current contiguous weeks of employment over 44 weeks in order to get more weeks in the hall. Most surprising, though, was that management was proposing neither a cut in work weeks nor a cut in weekly salary.

After long hours of internal discussion and a meeting with the orchestra, the Council agreed to re-open the CBA on several conditions, the most important of which was that the Council and management would "work together to devise and execute a public relations campaign." Management and the board had some serious reservations about what the Council came to describe as "calling the question" of the MSO's continued existence. Eventually, though, they agreed to such a campaign, in part because they had no better alternative and partly, I think, because they understood that the musicians had the most at stake in the continuation of the MSO and deserved a say in what the campaign to save the orchestra would look like.

Negotiations were relatively short but quite intense. Management got much of what they proposed, although they made concessions in some work rules. The final deal was reached in late November, and the public campaign kicked off with articles and features in most of the local media during the first week of December. A very important goal, and one which was met, was to gain the support of the editorial board of the Milwaukee *Journal Sentinel*, with whom members of management, the Council, and the Board met jointly. Their editorial in support of the campaign had a major impact on community thinking. Not mentioned in the campaign was a hard date to achieve the goal of \$5 million in new donations, but the Board informed the Council at the end of negotiations that the orchestra would be shut down under the "financial emergency" clause of the collective bargaining agreement if the goal wasn't met. In the end, the goal was met, although not by the original date.

Are there lessons for other struggling orchestras in the successful resolution of Milwaukee's crisis? Likely the most important is that "save the orchestra" campaigns can work, but only if all the internal groups—musicians, management, and board—are really in agreement on the message, at least in the short term. Such agreement is not easy; we were lucky to have the right people in all of the key positions and a long history of reasonably cordial relationships. There were those in the orchestra (and no doubt on the board as well) who believed that such cordiality and reasonableness in the past were largely responsible for our current situation. But, whether or not that was true, most believed that a more confrontational stance during this crisis would have been fatal. As things stand now, the orchestra is still working and has a couple more years to address the underlying causes of our chronic financial woes.

New Restrictions on Ivory Complicate International Travel for Musicians by Richard Levine, Editor

In 2013, poachers used cyanide to poison a water hole in Hwange National Park, Zimbabwe's largest game reserve, indiscriminately killing an unprecedented number of elephants and other safari animals. The reason for this horrendous massacre is simple: African elephant tusks (ivory) are still worth money on the black market, even though commercial trade in ivory has been banned by treaty since 1989.

When news of the massacre became well publicized in October, the public outcry could not be ignored. On February 11, the White House issued its *National Strategy for Combating Wildlife Trafficking*, and on that same day, Secretary of the Interior Sally Jewell announced that the U.S. Fish and Wildlife Service (FWS) was imposing a ban on commercial trade in elephant ivory. FWS Director Dan Ashe implemented that ban on February 25 through his Director's Order No. 210, which was subsequently revised on May 15.

The order sets out two sections that may be relevant to musicians with instruments that contain ivory. The section that explicitly deals with musical instruments includes the following language:

b. Service employees must strictly implement and enforce the June 9, 1989, AECA moratorium (54 Fed. Reg. 24758) on the importation of raw and worked African elephant ivory while, as a matter of law enforcement discretion, allowing importation of certain parts and products, as follows:

...

(4) Worked African elephant ivory imported as part of a musical instrument, provided that the worked elephant ivory:

- Was legally acquired prior to February 26, 1976;
- Has not subsequently been transferred from one person to another person for financial gain or profit since February 25, 2014;
- The person or group qualifies for a CITES musical instrument certificate; and
- The musical instrument containing elephant ivory is accompanied by a valid CITES musical instrument certificate or an equivalent CITES document that meets all of the requirements of CITES Resolution Conf. 16.8.

Seeing that special provisions have been made for musical instruments (which should be read to include associated implements, such as bows), you might not realize that, at least for now, this order is a game changer for musicians and instrument dealers. If you own any instrument or bow that contains African elephant ivory and expect to travel outside of the country with it, please take the time to study how this order might affect you, *even if you've crossed the border with the same instrument before and had no trouble.*

Although the order is issued by FWS, you will probably see it enforced by U.S. Customs officers when you re-enter the country. Because of previously lax enforcement, you may not be aware that other such restrictions had been in place long before this order went into effect. Part of this order is that enforcement is to be tightened. So remember: Past performance is no guarantee of future results.

When you re-enter the U.S., it will be your responsibility to convince the Customs officer that what you are bringing in is allowed (as opposed to the Customs officer having to prove that it is illegal). If the Customs officer declares your instrument to be illegal because it contains African elephant ivory, the instrument will be confiscated and will not be returned to you, even if at a later date you can show that it could have been permitted.

When you carefully read the requirements for the importation of musical instruments, you will find that it may be extremely difficult to document compliance. For example, any instrument containing African elephant ivory that is bought after March 25, 2014, will not be allowed to enter the U.S. Even if it was purchased before that date, will you be able to show that the ivory it contains was legally acquired prior to February 26, 1976? The instrument must carry a CITES musical instrument certificate (sometimes called a musical instrument passport) that can be shown at the border. The certificate must be obtained in advance, at a cost of \$75 per instrument. Further, a CITES musical instrument certificate is valid for only three years and only for the specific instrument for which it was issued. To top it off, the process for obtaining the required certificate is not well defined at this time, so don't count on leaving the country with your instrument without considerable lead time.

A section of the Director's Order dealing with antiques may aid musicians with ivory-containing instruments that are over 100 years old (since such instruments might qualify as antiques). However, at this time it is not clear how FWS will apply its rules for noncommercial importation of antiques to musical instruments or what documentation would be required for that. Because the requirements for bringing antiques into the country are even more stringent than those for musical instruments, you probably wouldn't pursue the antique option unless you acquired your instrument after March 25, 2014 (which itself would prevent importation as a musical instrument). If you are able to determine that an instrument qualifies for importation as an antique, be aware that an additional provision requires antiques to be brought into the country only through one of the 13 ESA (Endangered Species Act) ports (Boston, New York, Baltimore, Philadelphia, Miami, San Juan, New Orleans, Houston, Los Angeles, San Francisco, Anchorage, Honolulu, and Chicago).

Further guidance is expected from FWS, but if you are going to travel internationally any time soon with an instrument that contains ivory and require clarification of the rules, you would be well advised to check with FWS well in advance of your travel. Also, be aware that other countries have requirements related to ivory that differ significantly from those of the United States, and you will need to comply with any regulations of the countries you visit.

Remarks at the 3rd FIM International Orchestra Conference in Oslo, Norway by Bruce Ridge, ICSOM Chairperson

At the 3rd FIM (Fédération Internationale des Musiciens) International Orchestra Conference, held in Oslo, Norway in February, Chairperson Bruce Ridge participated in a panel that explored the following topic: "While some orchestras are impacted by a drop in resources or by budgetary cuts, others continue to develop and flourish. What responsibility do politicians have?" Below are his remarks.

Fourteen days ago, President Obama nominated a new chairperson for the National Endowment for the Arts. The musicians of the International Conference of Symphony and Opera Musicians (ICSOM), welcome the nomination of Jane Chu, as we lobbied vigorously for the President to take this action. The President waited 13 regrettable months though before he even made a nomination. The position stood vacant for all of that time; even as some members of Congress called for massive cuts in the National Endowment for the Arts (NEA) in an attempt to weaken the agency.

The NEA was established in 1965 and is dedicated to bringing the arts to all Americans. But since its founding, the NEA has been a constant target for political attacks.

There is a misperception that the U.S. Government spends a great deal on arts funding, but the reality is that only 0.066% of the Federal budget is invested in the arts. And for that feeble investment, there is a considerable return. Each dollar the government invests in the arts returns over \$7 dollars to the community.

American orchestras are non-profit, tax exempt organizations. In 1966, just a year after the creation of the NEA, another organization, the National Football League (NFL), was also granted non-profit status by the U.S. Government. American Football is very popular, and the NFL generates almost \$10 billion in annual revenue and pays its commissioner a yearly salary over \$44 million. A 30-second advertisement during this year's Super Bowl cost \$4 million. But as a non-profit organization, the NFL pays no taxes.

This is not meant as an attack on the NFL. Like many Americans, I was raised in an environment where football was part of every Sunday afternoon, but the incongruity between a non-profit that earns almost \$10 billion a year and an arts organization that struggles to survive must be noted as simply absurd and indicative of how government undervalues the arts.

Politicians in our country bemoan the descending ranking of our education system, yet multiple studies reveal the value of the arts in enhancing our children's future. Despite evidence indicating the need to invest in the arts, our federal and local governments continue to cut the arts in schools.

But let's continue the comparison of non-profits by looking at the budgets for our ICSOM orchestras. The \$44 million annual salary of the football commissioner alone surpasses the annual individual budgets of 40 ICSOM member orchestras. In fact, just two minutes of commercial airtime during the Super Bowl broadcast surpasses the budgets of 12 of our ICSOM orchestras.

In America, orchestras have faced a time of difficulty as we emerge from the recession. The troubles have been widely reported, and even more widely misreported. There have been some terrible situations, with an unprecedented lockout in Minnesota, and the bankruptcy of the New York City Opera among others. But the true story to be told is how resilient our orchestras have been, with many orchestras achieving record fundraising and increased attendance. This is true in Cleveland, Houston, Los Angeles, St. Louis, Chicago, Buffalo and many other cities.

Unfortunately, the media loves a negative story and the many successes have been drowned out by the relatively few failures. This false negativity hurts us all, and damages our ability to change the minds of politicians who are too eager to accept stereotypical statements such as "classical music is dead." Some journalists have been writing that same story for over 60 years.

The good news I bring you today is that the bad news that permeates so many discussions of the future is largely false. Unfortunately, though, those false messages can be self-fulfilling and too easily believed by political leaders.

We must not be dissuaded by these negative self-promoting voices. We have a message of hope for the world and we must find ways to be heard. This will require political astuteness and unity among all musicians. We must harvest the power of social networking to advocate any cause that musicians in any country might face. We must recognize that our true opponent is frustration; and our true enemy is apathy.

Those who spread negative messages claim that our audiences are aging beyond retrieval, but The Cleveland Orchestra has doubled the number of students attending its concerts, and I continue to see an infusion of youth in concert halls all over the world. To claim that aging audiences create an insurmountable problem, one must ignore that, in 1940, life expectancy was 62 years. Today it is 79 years. If we accept that people generally tend to turn towards attending symphonic concerts after they have reached a point of greater leisure in their lives, then the fact that we have our target audience for an additional 17 years of life is not a problem, it is an opportunity.

A positive note from the recent NFL Super Bowl was the pre-game performance of Renée Fleming. Ms. Fleming was the first opera singer to be selected for this event, and millions of people were exposed to her luminous voice, many for the first time. Musicians should launch a campaign to encourage major sporting events in all countries to feature more opera singers, and more classical instrumentalists. We might not succeed everywhere, but the campaign would garner much needed positive attention.

Governments will be influenced only by the activism of the people they govern, so we must together raise our voices in a media savvy manner, and advocate as aggressively for our orchestras, our music schools, and our art form as those with billions at their disposal will advocate maintaining the non-profit status of the NFL.

In a world that occasionally slumps with the weight of its burdens, we have a universally inspiring message. Wherever a negative image of the arts is produced, by politicians, journalists, or anyone, musicians across the world must be prepared to respond with our positive message of hope.

In times of negativity, we will not be dissuaded from what we hold true. We must rage against the dying of the light. We must be our own advocates, strengthened with the knowledge that the best of humanity is on our side.



Photo by Jay Blumenthal

ICSOM Chairperson Bruce Ridge, seated at far left and on screen, is seen in a panel at the 3rd International Orchestra Conference in February.

Additional information about the 3rd FIM International Orchestra Conference can be found at www.fim-musicians.org, including the full agenda and a summary of points made during the presentations.

Chairperson's Report

(continued from page 3)

and no one in this field can afford to stand silent at such disrespect to the music of Beethoven and the people of our communities.

We must harvest the frustration that we all are feeling and use it as inspiration. ... We must be inspired by the challenge. And we must not hesitate to dream great dreams simply because they are hard to achieve. ... This is our mission, and we must join together as never before, because something precious is at stake.

The conclusion of the speech remains true for me as well, and as I meet with even more musicians, managers, patrons, board leaders, and journalists, my optimism for the next generation grows.

This judgment we make affirmatively: if we can change the tone, then we can change the future.

[The excerpts above are from Bruce Ridge's keynote address to the University of Michigan's American Orchestra Summit II, March 22, 2012, titled Danger, Will Robinson! How Hyperbolic, Negative Rhetoric is Hurting America's Orchestras. The complete address is currently available at www.icsom.org/news/article.php. —Ed.]

NYCO 70th Anniversary Celebration by Gail Kruvad, New York City Opera Orchestra

On February 21, 2014, 70 years to the day after New York City Opera's first performance, the musicians of the New York City Opera Orchestra joined other artists associated with the company in a gala concert dubbed *70 Years of the People's Opera*. The location of the concert was the New York City Center, where the New York City Opera opened in 1944. Of course, "People's Opera" refers to the moniker bestowed on the company by Fiorello La Guardia, New York's mayor and one of the founders of the company.

The concert was conceived of and planned by a small group of musicians and staff of the NYCO, which filed Chapter 11 bankruptcy in October 2013. When renowned dramaturge Cori Ellison signed on as artistic advisor, the planning began in earnest. Singers well known to the company's loyal audience gladly agreed to participate. Orchestra parts and scores were obtained, rehearsals were scheduled, and studio space was rented. In nine short weeks the fabulous evening was planned, marketed, and rehearsed.

Sponsorship by the Associated Musicians of Greater New York, Local 802, was critical to this dream becoming a reality. As a fundraiser for the Musicians Emergency Relief Fund, the evening highlighted the safety net of services and financial support the union offers its members in need. *[Local 802's Musicians Emergency Relief Fund is a tax-exempt, 501(c)(3) private foundation for the benefit of its members. It is administered by the Actors Fund as part of the local's Musicians' Assistance Program. —Editor]*

Julius Rudel, whose career with the company spanned 35 years and included stints as Principal Conductor and General Manager, was a young man of 22 years when he was backstage on that very first opening night in 1944. Maestro Rudel's, return to the stage 70 years later was met with an emotional standing ovation. Local 802 honored him for his lifelong commitment to the NYCO.

Naomi Lewin, the afternoon host on New York's classical music station WQXR, was the master of ceremonies for the evening. With former music director George Manahan on the podium, the evening's program highlighted the 70-year artistic history of the company. Plácido Domingo, who made his New York debut with NYCO, has long considered the company his first home and happily agreed to a homecoming. Audiences were delighted by both his singing and conducting of the orchestra. The evening also included performances by Amy Burton, Lauren Flanigan, Joëlle Harvey, Tonna Miller, Jennifer Rivera, Heather Johnson, Ryan MacPherson and Sidney Outlaw.

For those who had spent years making music with the NYCO, the evening was joy filled as well as bittersweet. The *New York Times* aptly described "a top-notch opera orchestra all dressed up with no place to go." Instrumentalists, singers, staff, and performing alumni were all saying goodbye to a much-loved family. The capacity audience also expressed its deep appreciation for what the company had meant over the years. The celebration of *70 years of The People's Opera* made for a powerful and unforgettable evening of great music and great performances.

More Minnesota

(continued from page 5)

The institution that was run so far off the rails now faces enormous challenges. A contract settlement is only the first step necessary to getting the organization back on track. A disastrous decision to eliminate a physical box office except for two hours before a concert has meant our patrons are experiencing extreme difficulty with ticket purchases. The website has been unable to handle the volume of traffic and callers have faced two-hour waits.

The new board chair has assured us that he is addressing our two most pressing issues: the lack of a music director and the continued presence of an executive director who has divided the institution and alienated the entire community. *[Please see sidebar on p. 5. It has been announced that Michael Henson will step down on August 31 from his post as president and CEO. —Ed.]*

We hold no illusions about what we may face in three years. For now, we do know that the eyes of the community are watching. The days of the Minnesota Orchestral Association acting unilaterally and in secret are over.

In addition to the indispensable support that came from the AFM and ICSOM, we had very meaningful help from SOS-MN, Orchestrate Excellence, and Young Musicians of Minnesota for their creative and tireless work on behalf of great music and keeping a first-class orchestra in Minnesota. They are all still very much engaged.

Special thanks go to our Local 30-73 and its president, Brad Eggen. It's impossible to tabulate the depth and breadth of their expertise and generosity, and we are at a loss to express how profoundly grateful we are.



Photo by Courtney Perry

The Finnish flags are evidence of the extreme blue and white fever at the sold-out March 29 Minnesota Orchestra concert in Orchestra Hall conducted by Osmo Vänskä. Audience members brought flags and banners, wore blue and white clothing, and even sported makeup representing the Finnish flag, all in a "Finnish It" campaign to convince the Minnesota board to rehire Vänskä as music director. The efforts paid off. On April 24 the board announced that Vänskä would return as music director.
