

Senza Sordino

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The 1994 ICSOM Conference

The 1994 ICSOM Conference returned to the comfortable surroundings of Vail, where the air is thin and it was once again possible to find breakfast on the weekdays without a 20-minute hike into town. While the news from the field was not all good, there did seem to be glimmerings of illumination at the end of the tunnel, unaccompanied by sounds of oncoming trains.

In addition to the usual business of an ICSOM conference, delegates heard a number of interesting and timely presentations, some of which will be reproduced in future issues of *Senza Sordino*:

- Joel Wachs, Los Angeles City Councilman, discussed the Los Angeles Endowment for the Arts;
- Ray Abernathy, whose firm assisted the American Airlines flight attendants in their recent successful strike, talked about what he called “bargaining in the sunlight;”
- Patricia Polach, from the law firm of Breedhof and Kaiser, gave a gloomy but cogent summary of the impact of the bankruptcy laws on the collective bargaining process;
- ICSOM consultant Bill Roehl gave a presentation on his consultancy and the process of organizing orchestras; and
- AFM Vice-president Steve Young and IEB member Tim Shea gave a demonstration of the AFM’s new computer system, which will include an online database of collective bargaining agreements organized by subject;

In addition, AFM president Mark Tully Massagli, ROPA president Andrew Brandt, SSD director Florence Nelson and former SSD director Lew Waldeck spoke. Ms. Nelson led a workshop on the role and duties of the orchestra committee, and ICSOM counsel Leonard Leibowitz gave his ever-popular seminar on negotiations.

Biannual elections for officers were held this conference. Bradford D. Buckley was re-elected ICSOM chair, David Angus was re-elected ICSOM president, Lucinda-Lewis was re-elected ICSOM secretary, and Robert Levine was re-elected editor of *Senza Sordino*. Member-at-large Stephanie Tretick of the Pittsburgh Symphony was elected to fill the office of ICSOM treasurer, Carolyn Parks having chosen not to seek re-election to that position. Mary Plaine of the Baltimore Symphony was elected to fill the remaining year of Ms. Tretick’s term as member-at-large from a field of five delegates nominated from the floor.

In addition to the informational activities of the conference, the delegates passed resolutions:

- directing that the ICSOM Directory be published annually;
- requesting that the AFM assist the Alabama Symphony Orchestra musicians and their local union with legal fees incurred during the ASO’s bankruptcy proceedings;
- urging ICSOM musicians to decline invitations to serve on the American Symphony Orchestra League board, and instead to challenge the ASOL to deal with them through their elected representatives;
- thanking Liza Hirsch Du Brul for her contributions to ICSOM orchestras and reiterating ICSOM’s policy of welcoming to the ICSOM conference legal counsel for any member orchestra;
- creating a new suspended status for member orchestras that temporarily fall below ICSOM membership criteria and that apply for same;
- establishing a new associate membership status for foreign orchestras that wish to be affiliated with ICSOM;
- urging the incorporation into model contract language of restrictions on an incoming or departing music director’s power to initiate dismissal proceedings.

As always, conference coordinator Tom Hall earned the sincere thanks of all present for his calm and efficient handling of the countless details that go into making an ICSOM conference possible.

In This Issue

The Report on Wolf	2
1994-95 Wage Chart	4
Handy Hints II	5
Coda	9
One to a Stand?	10
1994 Conference Proceedings	11
Newslets	12

Text by Robert Levine

The Paradigm Chronicles: An Interview with Thomas Wolf

“We should be careful about our theories, because a theory determines not only what we hope to observe, but what we can observe.”

ALBERT EINSTEIN

At the 1992 American Symphony Orchestra League convention a new comet plowed into the orchestra world in the person of Dr. Thomas Wolf. While much has been written about Dr. Wolf's report to the ASOL (The Financial Condition of Symphony Orchestras) and about his “new paradigm,” little is known by musicians about Dr. Wolf himself. But, if Einstein was right, we can evaluate neither the Wolf Report or his “new paradigm” without knowing from whence Dr. Wolf comes.

In his speech to the 1992 ASOL Convention, Dr. Wolf said that “my own history and that of my family is wrapped up in orchestras... my uncle and aunt, the duo-piano team of Luboshutz and Neminoff, made a career soloing with American orchestras, and firmly believed that these cultural institutions were primarily responsible for spreading an appreciation of classical music throughout the United States.” In discussions with musicians in orchestras that have hired him as a consultant, he has made much of the fact that he is a member in good standing of Local 802 (New York City) of the AFM and that he negotiated a contract for the union musicians of the Goldovsky Opera Theater (a company run by the eponymous Boris Goldovsky, Wolf's uncle).

There are those who have known Thomas Wolf, though, who claim that he has expressed strongly anti-union feelings over the years. Before Wolf had set up his consulting firm, the Wolf Organization, a musician he knew asked him why he hadn't applied for an orchestra management position that had come open. Wolf's reply was “I could never do that, because I would have to deal with the musicians' union, and I can't stand them or their attitude.”

Similar sentiments appear in a study done by the Wolf Organization entitled “A Feasibility Study for the Boston Ballet Academy,” commissioned by the Boston Ballet. One of the clearest threads running through the discussion of how to structure such an institution is the desirability of staying as far away as possible from the teachers' union. In the discussion of the option of a private academy, the report states that “the private school option would give Boston Ballet full authority to hire and fire the entire teaching staff and administration... a private school would place few restrictions on the recruitment and retention of... faculty members. There would be no union issues to contend with and no automatic tenure rules to be observed.” Discussing whether to link the program with the Boston public schools, the report states that “it is unlikely that Boston Ballet will be able to exercise control over the design of an integrated curriculum and the hiring of quality faculty... even the

administrator of the program on the Boston Public School side will only have a minimum degree of authority to hire and fire given current union regulations, racial balance requirements, and seniority issues... Because there are unionized, certified teachers in the Boston system who teach music and art, there could be pressure to have them teach their areas of specialty rather than contracting these subjects out.” If the academy was a state chartered school, however, “teacher hiring could be based on standards and policies which served the basic needs of the Academy and [would] not be bound by local union rules.”

Let us translate some of this consultant-ese and search for the recurring themes. Phrases such as “there would be no union issues to contend with and no automatic tenure rules,” “only a minimum degree of authority... given current union regulations,” “unionized, certified teachers” and “not... bound by local union rules” hint strongly that the writer of the report harbors some hostility to “the union.” The very repetition of the word “union,” to those who put less stock in what is said than in how it is said, speaks volumes about the writer's attitudes. Few orchestra managements, for example, will resist the temptation to drop the word “union” into every possible sound bite in an attempt to conjure up images from “On the Waterfront,” even though they know full well that “the union” may only consist of one or two poorly paid officers sitting in a basement office in a lousy part of town wondering what is going on down at “the symphony.” Even in the privacy of a confidential document apparently not intended as part of an anti-union campaign, though, the writer of this report seems unable to use the word “union” as anything other than a pejorative.

A refined version of this attitude makes numerous appearances in the “Financial Condition of Symphony Orchestras” report. In it, Wolf describes a hypothetical “trustee who served on the board of a major symphony 25 years ago. The year is 1966... As our trustee looks back at his tenure, he is wistful. When he joined the board, the city was being flooded with talented musicians—many from Europe. The players seemed content once they joined the orchestra, and a little money seemed to go a long way... the musicians held a variety of other jobs... and they supplemented their income with teaching, other community performing jobs, summer music schools, and chamber music... it was such a simple operation.”

Dr. Wolf then returns to 1966, when “another source of worry is that the civility of the relationship between the musicians and management seems to be eroding. The musicians now operate an effective collective bargaining unit, and they are looking to the orchestra to provide them with a generous salary, a benefits package, and a 52-week contract.”

continued on page 3

Paradigm Chronicles

continued from page 2

In point of fact, by 1966 only two American orchestras had 52-week contracts. The best-paid American orchestra, the Philadelphia Orchestra, had a guaranteed annual wage of \$11,700, a sum paid to the musicians not out of “generosity” but in remuneration for very skilled labor. Only ten orchestras had hospitalization and major medical insurance, in an era when such insurance was considerably cheaper, even in inflation-adjusted dollars, than it is today.

Dr. Wolf hits the fast-forward button one more time to examine the plight of the hypothetical “son of our trustee [who] sits in the chair occupied by his father and grandfather.” He is concerned that “the orchestra is having difficulty using up all the services it contracted for” in its collective bargaining agreement. “The decision on how many concerts to play seems not to be established by audience demand, but instead by the collective bargaining with musicians.”

Of course, as San Francisco Symphony executive director Peter Pastreich pointed out in his response to the Wolf presentation at the ASOL convention, “when the subject of concerts comes up, musicians bargain for fewer, not more, of them. And if we wait for audience demand, we won’t be playing at all. The musicians want to be paid year-round because they want to eat year-round. We ask them to play more concerts in return.”

What is more disturbing than the distortion of the facts are the attitudes expressed. According to Dr. Wolf, “musicians seemed content” with their lot as part-time orchestra members, holding “a variety of other jobs.” When the musicians learned to “operate an effective collective bargaining unit,” then “the civility of the relationship between the musicians and management [seemed] to be eroding.” And the root cause of the hypothetical orchestra’s problems, which he argues is that the orchestra is producing more concerts than the market can bear, is caused by “the collective bargaining with [the] musicians.”

Perhaps the most revealing statements in the Wolf Report, in terms of Dr. Wolf’s attitude towards musicians and the collective bargaining process, are the questions he asks when he describes his “new paradigm.” The first question he asks is “how viable is the full-time 90 to 100-piece orchestra?” His answer is to “reject the notion that this is the ideal structure to which orchestras must aspire,” although he does concede that “perhaps in some places it is not only viable but it is indispensable” (the palpable reluctance of the word “perhaps” is particularly telling).

He goes on to ask what he describes as “the most important” of his questions: “when will orchestras develop a collective decision-making structure that makes everyone a stake-holder in the industry’s future?... some people may answer this question with the response: ‘You could never do that. The players would never agree

to it.’ This assumes that the relationship between the players and management... cannot change. But I would argue that it must change if the industry is to survive... the players need to be a part of the solution, not part of the problem... orchestras must stop designing their decision-making structure like a firing squad in the shape of a big circle.”

Well, one might ask, where are the anti-union assumptions hidden in this reasonable-sounding rhetoric? Simply by asking the question, Wolf seems to assume that the musicians are not already “stakeholders in the industry’s future” and not already behaving as such, whereas the fact that concessionary bargaining is as old as the orchestra business itself disproves his assumption. Musicians in orchestra after orchestra have agreed to forgo income and protections guaranteed them by legally binding agreements in order to save their institutions, only to find on occasion that management had exempted itself from this particular form of “profit-sharing.” In Milwaukee, for example, the musicians discovered that, days before the ratification of an agreement last March that meant a 14.7% cut in their incomes, the management had leased a new Chrysler Concorde for the executive director (at least, as one orchestra member pointed out, it was an American car).

What does “the players need to be a part of the solution, not part of the problem” mean? Dr. Wolf does not detail any situations where decisions made by the players were the cause of an orchestra’s woes. Some help in deconstructing this rhetoric (borrowed, ironically enough, from the Black Panthers) can be found in a document entitled “Organizational Assessment of The Louisville Orchestra,” co-written by Wolf and Don Roth, executive director of the Oregon Symphony (who has referred publicly to collective bargaining agreements as “sixty-page opportunity preventors”). The very first two recommendations in this report deal directly with the musicians’ role in the institution and can be seen as a partial model for how Dr. Wolf thinks that musicians can be “a part of the solution.”

The first recommendation, II.A.1, is: *The constituents of the Louisville Orchestra should refrain from engaging in ad hoc debates in the community and in public over fundamental issues regarding the mission and future vision of the orchestra.*

Given that the boards of most orchestras are so well-represented in the power structure of their communities, including the media, that their vision of the orchestra permeates into the community by osmosis, the only constituents that seem likely to be hurt by not going public are the musicians. Everyone else went public a long time ago.

The second recommendation, II.B.1, reads: *Create a leadership team, consisting of the Board President, the Executive Director, and the Music Director, supplemented by the Orchestra Committee Chair, to*

continued on page 6

1994-95 Preliminary Wage Chart of ICSOM Orchestras
compiled by Stephanie Tretick

Orchestra	Weeks	Annual Minimum Salary	+Max Seniority (35-yr cap)	EMG	Pension		Average Services Weekly	Vacation Weeks	Relief Weeks
Atlanta	52	52,780	54,600	2,860	24,000		8	8	6 services for strings, 2nd wind/brass
Baltimore	52	56,420	60,580	none	19,500		8	8	16 services
Boston	52	71,500	75,920	none	27,000		8	9	3 of 9 vacation weeks are floating
Buffalo	37	27,241	28,536	1,639	13,680		8	3	3 may be rotating
Chicago Lyric	23	31,050	32,137	none	8.50%	EPW	7-8	\$ bonus	none
Chicago	52	72,800	79,800	5,824	40,000		7.5	8	2+1 subscription, 2 summer programs
Cincinnati		IN NEGOTIATION					8	9	16 services for strings
Cleveland	52	67,600	73,840	2,028	27,000		8	9	1 is floating
Colorado						DCP	8	4	7 personal services
Columbus	45	37,125	38,025	none	5-7%		8	3	6 services personal leave
Dallas	52	54,340	56,160	4,160	23,040		8	8	10 string services
Detroit	44	58,240	60,000	2,000	24,000		8	2	8 services strings, second winds
Florida Orch	36	22,500	23,760	180	5.5%	403(b)	8	3	none
Florida Phil	40	28,961	29,561	none	5%	EPW	8	3	none
Grant Park	10	9,230	9,599	none	9%	EPW	8	0	none
Hawaii						EPW	8	3	none
Houston	52	53,820	55,120	2,860	25,000		8	9	none
Indianapolis	52	48,100	51,220	none	28,800		8	8.5	8 services strings, 1st and 2nd winds
Kennedy Center	26	26,675	26,750	none	7%	EPW	11	4%	none
Los Angeles	52	70,200	74,360	2,000	31,500		8	9	1 week strings, 2nd winds and horn
Louisville	40	23,856	24,466	1,560	250	EPW	7	4	at least 9 services
Met Opera	52	67,808	67,808	none	50%		8	9	1 week
Milwaukee	42	41,790	43,182	none	21,000		8	5	2 floating plus approximately 30 services
Minnesota	52	64,480	66,040	1,300	27,000		8	8	6 maximum (on seniority) + 7 strings
National	52	59,280	69,680		25,000		8	9	1 extra week for strings
New Jersey	31	23,095	23,684	775	7.5%	EPW	7	2	none
NYC Ballet				none	11%/gr	EPW	6 perf	4	none
NYC Opera	25	25,00+ 1 wk		none	10%	EPW	5	4	none
New York	52	73,320	77,740	none	40,000		8	9	1 of 9 vacation weeks
North Carolina	46	33,350	34,270	none	8%	403(b)	8	4	4 services personal leave
Oregon	43	31,498	31,498	563	7.5%	EPW	7	2.5	none
Philadelphia	52	70,720	75,920	5,500	42,500		8	10	1 of 10 vacation weeks
Phoenix	34	18,826	20,050	none			8	2	none
Pittsburgh		IN NEGOTIATION					8	9	none
Rochester	41	30,635	31,535	none	5%	DCP	8	4	none
St. Louis	52	58,240	60,320	none	28,000		8	9	1
St. Paul	36	42,226	43,376	1,200	9%	403(b)	8	3	1
San Antonio	39	24,570	25,935	none	5%	EPW	7	3	none
San Diego	36	30,060	32,220	1,620	6.5%	private	8	2	none
SF Ballet		22,341	23,485	988	10%	EPW	6.5	10%	none
SF Opera	25	45,459	46,259	1,553	8.5%	EPW	6+reh	4	1 opera every other season for strings
SF Symphony	52	70,330	74,230	1,560	28,000		8	10	3 floating
Syracuse	36	21,011	21,405	1,287	10%		7.52	4	some relief during opera weeks
Utah	52	35,152	36,452	1,040	8%	EPW/403(B)	8	9	3 additional unpaid weeks

Heimberg's Handy Hints, Volume II

Dorothy Parker once said that the only thing she ever learned in college was that, if you spit on a pencil eraser, it would erase ink.

This knowledge is important and powerful in our world of music, and it has kept pace with technological change: pencil erasers (and spit—in modest, tasteful doses) will also take out printed notes, photocopied markings, and smudged fingerprints.

Used delicately this device can be a great aid in rehearsals: misprints can be banished permanently, ambiguous bowings can be cleared up on the spot, bad fingerings can be expunged. (Used roughly it can erase right through the page, so be careful not to incur the wrath of your librarian.)

Here is a Handy Hint which has never been used, but should be tried: it could speed up and smooth out certain kinds of auditions—especially CLARINET auditions.

In all the thousands of varied auditions I have experienced in my life, clarinet auditions tend to go the most slowly because of the transportation time. I sincerely feel for the clarinetists; they have so much to worry about in addition to just playing. Auditions are hard enough under normal circumstances; the whole process gets even more difficult when you add the complications of carrying three to six horns (B flat, C, A, E flat, Bass, with an occasional saxophone or basset horn thrown in) plus a cup of soaking reeds, music, a wiping cloth... etc.

Clarinetists usually come into the audition room bristling with instruments and equipment—in their hands, under their arms, cloth over their shoulder, music in their mouth. Then they have to put it all down. Then they have to test and warm up, then play, then move the mouthpiece and test again and play again... several times. And when they're finished they have to pick it all up, while the committee waits and the next candidate stands—bristling—outside the door.

My proposed solution: a CLARINET CART. It would be like the desert carts in those expensive restaurants we rarely patronize. A small rolling table with a felt-covered top (for softness), and a high edge (for security) would make transportation safer and easier under those difficult audition conditions. It could streamline the process *without speeding up the individual audition*. The players would have at least as much warmup and preparation time as before—maybe more, since there would be less time pressure throughout the day.

Now, if every clarinetist brought his or her own cart, there could be traffic jams in the hallway, so I suggest that managements provide

the carts. Three would be a good number: one for the current candidate, one for the waiting candidate, and one for the next in line.

Get them to try it—we might all like it.

Clarinet carts are a daydreamed Handy Hint, an idea that might be useful if it were ever tried. The next one is sliced from real life: I am in the midst of a very exciting experiment on my viola.

I recently played on a large modern viola that felt small (this is NOT a viola joke). The playing length of the strings had been shortened by the insertion of a specially cut ebony piece into the fingerboard near the scroll. That piece moved the nut which the strings pass over about $\frac{3}{8}$ " closer to the bridge.

I decided to try this device on my Raffaello Fiorini (16 $\frac{3}{4}$ ").

Any experiment on an instrument set-up is an intrepid move for a violist. Among string players, bassists are the boldest about experimenting with the ergonomics of their instruments. Throughout history they have changed tunings, altered string-playing lengths, adjusted bridge angles, added extensions. The rest of us tend to be more conservative. We think of ourselves as the guardians of instrumental works of art passed down through time—which we are. The down side is that we adjust ourselves to fit the instrument, even when it hurts.

So far the small adjustment to my Fiorini has yielded enormous results. Tone has not been affected, but ease of playing has. Intervals are closer together, which lightens the work of the left hand, and the strings speak more easily. The next time San Francisco Opera does the *Ring* I won't have to shift to a smaller instrument in self-defense—as I did the last time.

Of course it's true that all the notes are now in very slightly different places on my viola, but there's a solution to that, too: practice (another Handy Hint I have to keep remembering.)

The invitation I put forward in my last article is still open: if you have devised, developed, discovered or daydreamed any useful techniques, please let me know. This request is open to all colleagues, from any section, with any length of experience (you don't have to be old to be an Old Pro!) Full credit and recognition will be given for all submissions used—which will probably be all of them.

Please send your cards and letters to: Tom Heimberg, 1656 Ocean View Avenue, Kensington CA 94707. Thanks; I look forward to hearing from you.

Tom Heimberg is a member of the San Francisco Opera orchestra viola section and also serves as ICSOM delegate.

Paradigm Chronicles

continued from page 3

work together as a unit to create and implement a set of operating strategies for the organization. Build these strategies in dialog with the other members of the Orchestra family: the Board, staff, musicians, and direct service volunteers.

This is certainly not the old-style structure that Dr. Wolf described as “like a firing squad in the shape of a big circle.” It is, in fact, more like a firing squad of three in a very straight line indeed. It will come as no surprise to the astute reader that “the musicians of the Orchestra currently have chosen not to participate in the long-range planning process.” But this kind of “participation” does seem to be what Wolf had in mind when, in May of this year, he met with the Louisville Orchestra Players Committee and told them “I acknowledge that you are in a collective bargaining environment rather than a cooperative bargaining environment... unfortunately, this will have to change or you won’t have anywhere to go.” Unless the orchestra committee chair comes to the proposed leadership team accompanied by some very large defensive linemen, his or her cooperation would seem to be guaranteed in advance, but perhaps that’s the point.

What the Wolf report seems to reveal is a profound nostalgia for the days when players were “content once they joined the orchestra,” when “orchestra musicians held a variety of other jobs... and they supplemented their income with teaching.” Those were the days when there was “civility” between the musicians and management, when the number of concerts was “established by audience demand, [not] by the collective bargaining agreement.”

The problem with all this nostalgia, of course, is that the good old days never were, especially not for the musicians. As Deborah Borda, executive director of the New York Philharmonic, stated in her response to Wolf’s speech to the ASOL conference, “gone are the days when Madame Koussevitsky could sit observing a rehearsal of the BSO, inform Serge of who was ‘not trying hard enough,’ and have a pink slip on their stands the next morning.” The fact that orchestras have formed effective collective bargaining units is not the root cause of any lack of civility between managements and musicians; the root cause is the patriarchal and feudal structure of the orchestra itself. The kinds of protections that the writer of the report on the Boston Ballet school railed against have not created the lack of civility that Wolf decries; they have only made the tensions between managements and musicians, and conductors and musicians, less dangerous for the musicians to openly express and address.

What are the economic interests of consultants? It is interesting that Dr. Wolf did very little work with orchestras prior to this report. In fact, he describes himself as “something of an orchestra outsider.” Since his work on the report on the supposed financial crisis in the orchestra industry and the second stage of the ASOL’s project, this

has most definitely changed. Since 1992, he has been hired as a consultant by the Philadelphia Orchestra and the Louisville Orchestra, has written articles on orchestra economics, and has appeared on national television as an expert on the subject. Clearly Dr. Wolf has himself become a stake-holder in the orchestra business, and the stakes are not small: for the fiscal year ending September 30, 1992, the Wolf Organization was paid \$68,772 by the ASOL for “professional services,” and the Louisville Orchestra is reportedly paying the Wolf Organization \$50,000, while the musicians gave back approximately \$300,000 in the renegotiation of their agreement last spring.

In an attempt to try to resolve some of these questions, and in order to hear his views first-hand, *Senza Sordino* interviewed Dr. Wolf on October 7. Here are excerpts from the interview:

Senza: What orchestras have you consulted for besides Louisville and Philadelphia?

Wolf: We’ve done some work in Kansas City; we did a major marketing project for the major organizations there.

Senza: Has it made an impact?

Wolf: Absolutely. We saw, over a three-year period, a one-third increase in the number of households participating in the organizations.

Senza: To what do you attribute that?

Wolf: We sat down and we came up with a creative solution to what was seen as a competition problem. There was a new performing arts center coming online in Johnson County [a suburb of Kansas City], and the downtown arts organizations were panicked that they were going to lose audience. So the idea was to look at, in a very comprehensive way, participation in the arts in Johnson County, and to develop some marketing strategies over a three-year period to see whether we could increase total participation for all the groups, which we did. The statistics are extremely impressive, and the symphony benefited substantially.

Senza: There did seem to be some sense [in the “Financial Condition of Symphony Orchestras” report] that you felt that collective bargaining had led to the problems that orchestras were having.

Wolf: I’d sure like to know where you picked that up from. I was very, very careful in there, and in my public statements, to try to make the point that collective bargaining has led to a living wage and working conditions for musicians. That’s always been my position.

Senza: What do you think the role is now for collective bargaining?

continued on page 7

Paradigm Chronicles

continued from page 6

Wolf: I think that orchestras are in a crisis. If you look at some of the financial projections that we made in the “Financial Condition” report about the fact that things were going to worsen for the industry, you can see that a lot of those numbers are tracking exactly as we projected. There are a lot of orchestras that are in trouble. Certainly it would be true to say that, because of the nature of collective bargaining, orchestra managements have always, as a strategy, talked about the fact that things are tough, and that’s a good negotiating position for an orchestra to take. I think we’re in a different situation now. I think that the problems of orchestras are going to require some serious reorganization and rethinking, and it’s better done with all the participants putting their heads together and figuring out how to do that.

There’s a statistic in “Financial Condition” that I think is one of the most striking statistics in there. Very few people picked up on it. In about a twenty year period, between 1970 and 1990, orchestras’ share of the philanthropic dollar dropped by about a third. That’s a big story. Orchestras used to be the only game in town, or certainly the biggest game in town.

If you look at the major foundations now, how many of them have programs of support for orchestras? Very few. The biggest new player is the Lila M. Wallace Fund. They have a program for museums, they have a program for basically everyone but orchestras. Ford doesn’t have one for orchestras any more. There’s huge competition for the dollars that are available. Audiences for the first time aren’t growing. Between 1957, when the Ford Foundation got into the business of arts philanthropy and basically invented the arts grant, until the early ’80s, you had public sector [support] growing, private sector growing, and audiences growing. Every source of funding was growing, and then overnight they all either are declining or are stable.

Senza: How is changing the relationship of the musicians to the institution going to affect that? If the issue is fundamentally an economic one, you’re only going to address it in two ways: increase revenue or decrease expenses.

Wolf: Yes, but there are a lot of ways to increase revenue. One way to increase revenue is to find new sources of revenue, or new ways to create revenue. The place where we probably part company is over the fact that I think that orchestras need to redefine the range of services that they offer, and that they have to ask musicians to do more things if they want to increase revenue. I want to see musicians continue to be well-paid, and, in some cases, where they work for orchestras

where they’re not well-paid, to become well-paid for the first time. You can’t create revenue sources from the traditional places where you’ve had them before. If you read the article I did for the *International Arts Manager*, I made it very clear what I think the basic alternatives are. We all know the result of the crash course between musicians not accepting the wage that’s offered and orchestras not having more money to offer. If that’s a real situation, and admittedly over the past several decades that’s been more of a red herring than a real situation, what happens is that the institution goes out of business. That’s not good for anyone, so my sense is that one does anything one can to avoid that.

Senza: Do you think there is sufficient revenue potential in some of these newer things to really make that much of a difference?

Wolf: I don’t know, but they have to be tested.

Senza: In our situation in Milwaukee with our ACE (Arts in Community Education) program, which is a very small program, it’s not clear to me that it ever has the potential to really replace any other significant source of revenue that we might lose.

Wolf: Yes, except that you see all of these funders sitting on the side, where there is some potentially very big money out there. Most of that money is going to be directed to arts education, and we’re only seeing the tip of the iceberg. I’ve been working in Charlotte recently for the city, and they’re on the verge of doing some very big things in arts education with some very big resources. They’re in the process of raising a \$25 million endowment for arts and culture, and a lot of that will be used for arts education. The way orchestras operate was not invented in a year. These operational changes will take time and will only happen as a result of cooperative piloting of programs. The one thing I think is encouraging is that the Knight Foundation is the first of the big national foundations to put their foot in the water, and they are starting a program of support for orchestras that is interested in ways of dealing with their systemic problems.

There’s a whole area of cultural tourism, where working with cities and convention and tourism bureaus to package some of the arts and cultural organizations would be a logical way to get more paying people in seats. The arts and cultural organizations and hotels and restaurants have the same overlapping interest, which is to get people in and spending money, and if they can collectively figure out a way to

continued on page 8

Paradigm Chronicles

continued from page 7

market themselves so that everybody benefits, then that's a whole area that could be very fruitful.

But there are no panaceas. If there were any easy solutions, someone would have jumped on them. But I do think, and here I do not consider myself an expert, that in some of the work rules relating to media and recordings, American orchestras have lost out. That could be potentially a large source of revenue and a way to stabilize orchestras if a lot of the work that was going to European orchestras went to American orchestras.

Senza: Yet, in Seattle, where they have probably the most liberal recording rules in the business, they don't seem to be in any better shape than anyone else; worse than a lot, in fact.

Wolf: That may be true, but I don't think you can say that's because they have liberal work rules.

Senza: No, it's not, but my point is that it doesn't seem to have helped.

Wolf: You have to take into account the funding base in Seattle, the history of the orchestra, the condition of the endowment. I think it's a little dangerous to generalize by saying that they've got liberal work rules, they're in trouble, therefore liberal work rules don't help.

Senza: In any given situation, it's hard to say what one factor is the problem. Often it's not one factor.

Wolf: People have said "why would you single out [musician] salaries as something which has to be looked at very carefully?" Well, when something is between 49% and 52% of most orchestra budgets, it's a big number, and if there are ways you can figure out how to play with that number, not in order to reduce anybody's salary in particular, but in order to make sure that that number is assured in such a way that it maximizes revenue, I would do it.

Senza: And yet that figure has been pretty constant over the years.

Wolf: It has. I was totally flabbergasted by the reaction [to the report]. When I wrote the text for this report, I had been intending to keep as neutral a position as possible. I think there might have been some people on what you would consider "the other side" who were looking for the report to say very clearly that the problem was that musicians were getting too much money. I thought the report would be welcomed by people, because I made a very big point of the fact that the 50-51% figure hasn't changed much. So I was surprised by the reaction of certain people who felt this was a dangerous report.

Senza: Would it be fair to say that, to the extent that you lay blame at the feet of the collective bargaining process, it would be in the area of work rules?

Wolf: I'm not laying any blame. I've been very careful not to comment on who was at fault historically. It's very important to understand that the situation that we got ourselves into has much more to do with a changing environment than it does with villains. This is a point I've made repeatedly. You have a situation, which has affected all of the arts, in which three areas on the revenue side were growing. It was logical that at the same time large institutions were trying to become more professional, both on the artistic side and the management side. Then all three of those sources suddenly stopped growing, and it's very difficult when that happens to say "this is a permanent change." You say "this is an anomaly," you say "the economy's bad," you say any number of things. In England, when Margaret Thatcher was elected, everyone said "Thatcher wants to privatize everything and not give as much money to the arts council, but she'll be out in not very long." Well, she wasn't out, and in fact she's changed the whole funding base for the arts, and those people who said this is temporary and things will go back to normal are hurting now. To the extent that there's a problem, the problem is that there are a number of people that are saying "things aren't that different." I think they are that different. I think the traditional revenue sources are not growing at a fast enough pace, that expenses have increased beyond the time that the revenue sources were not increasing. Some orchestras, the very largest ones, have been protected because they have fairly large endowments, and the smaller ones are protected because they have very flexible ways of doing business. The orchestras that are hurting the most are the ones that are caught in the middle; that are undercapitalized and don't have as much flexibility. So I'm not laying blame at anyone's feet. What I am saying is that the nature of the dialog is going to have to change, because the nature of the industry is going to have to change. And that, I guess, is radical.

Senza: Let me challenge that statement a bit. In your 1992 ASOL speech, when you delivered the "Financial Condition" document, you said that "the players need to be part of the solution, not part of the problem." The sense of that is that, in some way, the players have been part of the problem.

Wolf: No, that statement is "to be," that's in the future tense. They need to be part of the solution, not part of the problem.

Senza: So you're not really saying or implying that the problems that the industry is facing are necessarily the players' fault?

continued on page 9

Paradigm Chronicles

continued from page 8

Wolf: That's right. I've never said that. Listen, I made my living as a musician for a number of years. I'm not saying that the problems of orchestras are because of collective bargaining or because of musicians. The fact of the matter is that it costs a certain amount to live. In most orchestras in this country, musicians don't make enough to live and they have to do other things. I would like to see every musician make a living wage; that's fine, that's great. But on the other hand I want to see creative solutions in order to make that possible. I've been extremely careful not to say that anybody is at fault for this situation, because I think that this situation has not grown out of villains. I think it's grown out of a changing environment, and that change was severe, because instead of one or two of the traditional revenue sources going into a changing mode, all three did roughly within two or three years of each other.

The reader may be excused for having drawn a rather contradictory portrait of Dr. Wolf from this article. Two things are clear, however. The first is that, regardless of Dr. Wolf's stated good intentions, "The Financial Condition of Symphony Orchestras" report has provided the intellectual underpinnings for a concerted attack on the livelihoods of musicians in a large number of orchestras. Since 1992, fourteen ICsOM orchestras have been forced to accept shorter seasons and lower incomes, the one "remedy" of Wolf's that has been enthusiastically embraced by managements and boards. His other proposed solutions to the ills of orchestras are hypothetical at best. Some, while good and useful in and of themselves (such as increasing orchestras' role in arts education), may indeed have potential for increasing revenue, but that potential is decidedly unproven, as he admits. Others, such as liberalizing recording rules, would only seem to have potential for the orchestras that get there first, and even that potential depends largely on the cannibalization of other musicians' work.

The second, and more important, point to note about Dr. Wolf is that, like every other participant in the symphony orchestra business in America, he comes to the table with biases and preconceptions. It is no surprise that the biases of consultants so often neatly dovetail with the agendas of those hiring the consultants; "he that pays the piper calls the tune" is not an expression that applies solely to musicians. Consultants such as Dr. Wolf are not objective observers of the field; they too are players in our little drama, and musicians would be well advised to scrutinize their interests and biases as carefully as they do those of managements, conductors, boards, and the American Symphony Orchestra League. Fundamentally, it is with these people, and not orchestra musicians, that the interests of the consultants lie.

Coda

Bernhard Goldschmidt, principal second violin of the Cleveland Orchestra for 30 years, died of a heart attack October 29 in Morristown NJ.

Goldschmidt was born in Berlin but emigrated with his family to Shanghai to escape Nazi Germany. After playing in the Shanghai Philharmonic he moved to the United States in 1947, where he studied at the Philadelphia Conservatory of Music and the Berkshire Music Festival at Tanglewood. He joined the Cleveland Orchestra in 1958 and was promoted to the principal second violin position by George Szell in 1964. Prior to joining the orchestra, Goldschmidt had played with the Baltimore Symphony and the Houston Symphony, as well as the US Air Force Strolling Strings.

In memory of Goldschmidt, the Cleveland Orchestra opened its concert on November 3 with the "Air" from Bach's Orchestral Suite in D, BWV 1068, with the principal second violin chair vacant.



Conference Coordinator Tom Hall

One to a Stand?

This story starts with one of my fellow violists in the San Francisco Symphony returning to work after a substantial absence because of injury. Her physical therapist recommended to her that she not play two people on a stand, because it made her bend in an uncomfortable and unnatural way. So she and her stand partner now use two separate stands.

My own stand partner recently took time off because of shoulder problems. The problems have abated but are not gone. This past week I too have experienced some discomfort in my shoulder and back. As a result, my stand partner and I agreed to try what our colleague is trying: getting a second music stand and each using one.

It feels like heaven. We don't have to twist to see the music, can align the stand to see the conductor easily, can each have a stand at the height that is comfortable for both of us. I can see, and therefore play, the notes more easily. Being more comfortable and relaxed, I can respond to what is happening on stage more easily.

Despite the fact that it seems to be an easy solution to a difficult issue, there are hidden problems, especially if use of this solution escalates. The purpose of this article is to begin discussions on a national level so we can head off the potential problems.

When I first talked to the stagehand about giving us an extra stand, he was very willing, but worried about what happens when we tour to places with small stages. My initial response was that we would probably have to bend (pun intended) and use only one stand for those concerts. But what happens if more and more people use two stands? How will the stage hands adjust? Won't it materially affect their job? They already have many things to keep track of.

Our librarian, too, was more than willing to set up an extra folder for us, but he had a word of caution. What happens when entire string sections of the major symphonies use one stand each? Right now, the librarians are burdened with the task of copying bowings into each part. Will their task double? Or will we be willing to use photocopied parts? What will the response of the publishers be? Will they increase the number of string parts they sell? How much will it cost? What about rental parts? Will they throw in extra parts, or will they allow us to photocopy extra parts, which they do not now allow? Most music libraries have a storage problem that will be made worse with more parts to store. And of course there will be some page turns that will need attention or the whole section will end up turning pages rather than playing.

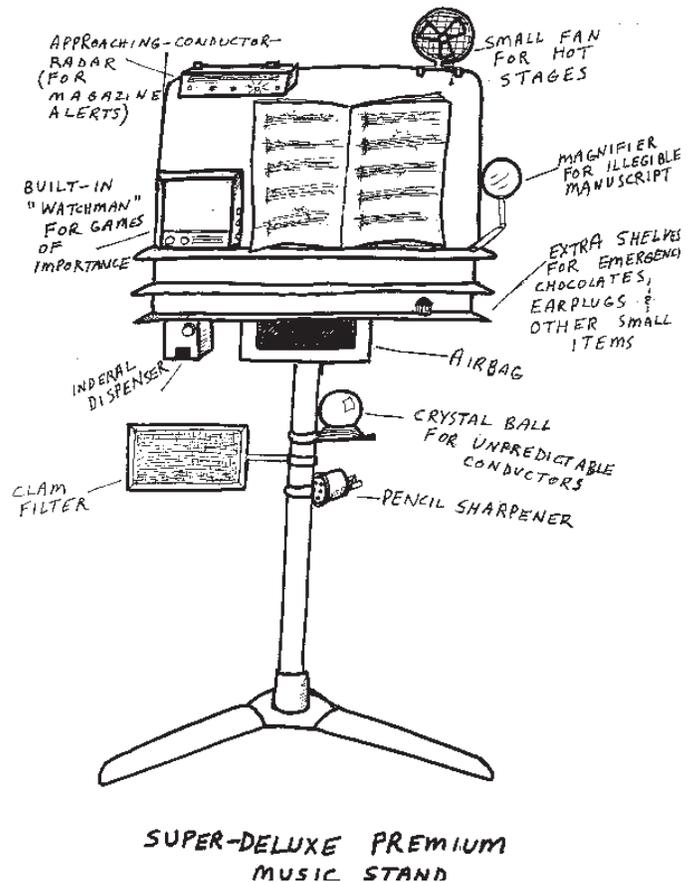
Management, too, may have a problem. They may need to purchase more stands, pay the stage hands more for trucking extra stands

around, pay for the extra rental or purchase of parts, have more of a lag during changes between pieces while more stands are flung about, and so forth.

Our colleagues may also have a problem. The person behind me today complained that he couldn't see around me, but I was limited where I could move to on the stage, partly because of the number of stands around, leaving him dissatisfied. Playing two on a part has built-in disadvantages which, I feel, have played a role in the rash of injuries in the orchestras today. Playing one on a stand can help alleviate those problems, but make for still more problems.

DON EHRLICH

Don Ehrlich is a member of the San Francisco Symphony.



1994 ICSOM Conference Resolutions

WHEREAS the Alabama Symphony Orchestra and its local union have been engaged in a legal struggle involving a challenge to the propriety of the Board's bankruptcy filing; and

whereas the outcome of that litigation will surely have considerable impact on other similar situations in other orchestras; and

whereas the legal fees thus far incurred by the ASO and the local union are extremely high and well beyond the means of the musicians and the local union; and

whereas an appeal has been filed which will increase the already heavy legal debt; now therefore

BE IT RESOLVED that ICSOM urge the AFM to subsidize all legal fees incurred from April 1994 through July 1994 in connection with the current appeal from the determination of the bankruptcy court.



WHEREAS The American Symphony Orchestra League (the "League") is an organization which claims to speak for all facets of the symphonic industry, but is in fact an organization which has historically served the interests of managements and boards of symphony orchestras; and

whereas the League has invited musicians, chosen by itself, to serve in various capacities within its organization, and claims that those musicians truly represent the interests of working musicians; and

whereas these actions are a transparent attempt to bypass the elected representatives of the musicians and thereby diminish the effectiveness of those representatives; now therefore

BE IT RESOLVED that the 1994 ICSOM Conference strongly urge all organized musicians to decline invitations from the League, and instead challenge the League to communicate through duly elected representatives of musicians.



IN THE INTEREST OF RECONCILIATION: whereas Liza Hirsch Du Brul, as the chief negotiator for many ICSOM, ROPA, and OCSM orchestras, has contributed greatly to the survival, recovery and well-being of our orchestras; now therefore be it resolved that the ICSOM Conference of 1994 states its thanks and recognition of Liza Hirsch Du Brul for her contributions to our profession and reaffirms the ICSOM policy of open welcome to all attorneys invited by their orchestras for meetings.



WHEREAS, during these troubled times, changed circumstances on a local level have caused some ICSOM orchestras to fall below the standards of membership as set forth in Article III Section 2(a) of the ICSOM bylaws; and

whereas such member orchestras often need time to restructure, reorganize, or otherwise rehabilitate themselves; and

whereas the delegates to the 1994 ICSOM Conference wish to help those orchestras during those difficult times, and to allow those orchestras to maintain their relationship with ICSOM, now therefore

BE IT RESOLVED that Article III of the ICSOM bylaws be amended by adding a new Section 2.(e) as follows:

Section 2.(e). If a member orchestra should fall below the requirements set forth in Section 2.(a) above, that orchestra may apply to the Governing Board for a grant of suspended status. An orchestra granted such status need not pay dues to ICSOM, but shall continue to be carried as a member orchestra, receive *Senza Sordino*, be entitled to send a representative to the annual Conference, and be listed in the ICSOM Directory. For good and sufficient cause, the Governing Board may recommend the withdrawal of such status at any time, subject to action of the next annual Conference.



WHEREAS ICSOM has established and maintained communication with a number of foreign orchestras; and

whereas many of those orchestras have expressed an interest in establishing a more formal relationship with ICSOM; and

whereas such more formal relationships are of great mutual benefit to both the foreign orchestra and ICSOM; now, therefore,

BE IT RESOLVED that Article III of the ICSOM bylaws be amended by adding a new Section 2.(f) as follows:

2.(f). A foreign orchestra may apply for and be granted Associate Membership with the consent and approval of the annual Conference. Terms and conditions for such status shall be established by the Governing Board.



BE IT RESOLVED that the delegates to the 1994 ICSOM Conference strongly endorse the incorporation into model contract language of the following principle: that there shall be clear restrictions on the initiation of dismissal procedures with regard to the beginning and ending of a music director's tenure with the orchestra.



Delegates to the 1994 ICSOM Conference in session

Newslets

Michael J. Koss, CEO of Koss Corporation and secretary of the American Symphony Orchestra League, expressed frustration during Koss Corporation's annual meeting over his company's inability to retain its workers, according to an article in the Milwaukee *Sentinel* on October 21. "I am shocked that people would rather stay home than have a job," he said, citing figures that, on the Monday before the company's annual meeting, the company had lost 32 temporary workers—10% of the total work force. Although temporary workers are paid close to minimum wage, they receive some benefits, according to Koss, who said that he did not believe the retention problem was related to pay.

DOS Orchestra, ICSOM's weekly electronic newsletter about professional orchestras, is now accessible via the Internet's World Wide Web, thanks to the good offices of Dale Gold, principal bassist of the New Zealand Symphony Orchestra. Point your Web browser to <http://www.actrix.gen.nz/users/dgold/do/> for back issues of *DOS Orchestra*, information about the NZSO, and an "Amusements" page. *DOS Orchestra* continues to be available by email; send email to dos@icsom.org to be added to the mailing list.

Michael McGillivray, chair of the orchestra committee of the Alabama Symphony Orchestra and secretary-treasurer of the Birmingham musicians' union, Local 256-733 AFM, has been appointed Orchestra Personnel and Operations Manager of the Detroit Symphony. His departure was hailed by Metropolitan Arts Council head Walter Sechrist, who said that McGillivray's departure "will

get one of the red flags out of the pot," referring to local efforts to reestablish an orchestra in Birmingham. The red flag responded "if my departure stimulates something, I'll be cheering from Detroit."



Photo by David Garrett

The ICSOM Governing Board

Front row: David Angus, Michael Moore, Bradford D. Buckley, Mary Plaine, James Clute. Second row: Robert Levine, Carolyn Parks (*past ICSOM treasurer*), Lucinda-Lewis, Charles Schlueter. Not pictured: Stephanie Tretick (*on tour*).

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Minnesota Orchestra
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New York City Opera Orchestra
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Oregon Symphony Orchestra
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San Francisco Ballet Orchestra
San Francisco Opera Orchestra
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Syracuse Symphony Orchestra
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Save the NEA

The National Endowment for the Arts is in trouble again. The far right is waging yet another jihad against “immoral art,” the federal budget is stretched paper-thin, and times are generally tough all over. Ho-hum.

Except that this time the wolf really is at our door.

The NEA, which has been in existence for over three decades and which has distributed hundreds of millions of dollars to professional orchestras (including over \$7 million in 1994 alone), lies on the chopping block. The leadership of the new Republican House of Representatives has all but committed to killing (or “de-funding”) the agency, and it appears that they very well might have the votes to do it this time.

In this issue is a chart of the grants that ICSOM orchestras received from the NEA in Fiscal Year 1994. The amounts are not terribly impressive when compared to most orchestras’ budgets; NEA grants tend to be in the range of 1-2% of an orchestra’s annual income.

So why all the fuss about losing the NEA? Is losing 1-2% of your orchestra’s budget something to get excited about?

The short answer is “yes,” and the reason is that your orchestra is probably going to lose a lot more than that in the end. Most ICSOM orchestras also get significant funding from their state arts boards, while state arts boards get significant funding from the NEA, as the chart on page 2 shows. Government support at the state level, for the orchestras that the American Symphony Orchestra League categorizes as “major” (i.e. with budgets greater than \$4.8 million) amounted to almost twice the level of federal support through the NEA for the 1992-93 season.

So your orchestra’s total income is going to be cut, not by 1-2%, but perhaps 3-5%. What’s the impact of that?

In my orchestra, that’s a few weeks’ worth of salary for the musicians. It may be more or less in your orchestra, but it’s not chicken feed.

Well, management will just have to get out there and raise some more money to replace it. That *is* what they get paid for, right?

Unfortunately, every other arts organization’s federal funding just got “zeroed-out” too, and their state arts board grants got whacked way back as well, so they’re all out there beating the bushes for replacement funds. Not only are they competing with your management’s efforts to replace the funding that your orchestra just lost,

but they’re competing with your management for money that your orchestra *already receives*, and very likely getting some of it, too. After all, your orchestra probably looks like a very big, stable institution to arts funders, and certainly a big, well-cushioned institution like a major symphony orchestra can afford to take a small hit so that a smaller, sexier arts group can survive the loss of its state and federal funding, right? Sure, there will have to be some cuts, the arts funders say, but musicians are well-paid, aren’t they? We all have to make sacrifices, after all; things are tough all over. Right?

How many percent are we up to now?

The professional orchestra business in the United States is facing a defining moment of a kind that comes along once in a generation. The impact of the destruction of the NEA will have the same kind of ripple effects that the creation of the NEA had three decades ago, only this time the ripples may look more like tidal waves to you and your colleagues.

The truly bizarre thing about this debate is that the concept of federal funding for the arts still enjoys widespread public support. Although the right wing has made this a key battleground in their “cultural war,” this is a fight that we can win if we, who are most directly affected by the possible demise of the NEA, choose to fight.

On page 3 are a list of steps you can take. The ICSOM Governing Board has committed significant resources to organizing a campaign to save the NEA, as have the AFM and a number of orchestra managements. But none of that will do the least bit of good if *you* don’t take ten minutes to write, or phone, or fax, or email, your senators and representatives. If we all do so, that ten minutes may prove the difference between the life and death of a number of American orchestras—quite possibly including your own.

Robert Levine

In This Issue

1994-95 NEA Grants	2
Friends and Foes	2
Legislative Timetable	3
To-Do List	3
The Los Angeles Arts Endowment	4
Newslets	6

NEA Grants for Fiscal Year 1994

Orchestra	FY 1994 Grant	NEA Grant to State Arts Board	State Grant to Orchestra 1992-93
Atlanta	182,000	515,000	148,000
Baltimore	212,000	495,000	797,580
Boston	236,400	507,000	191,788
Buffalo	85,000	641,000	218,000
Chicago Lyric	315,000	569,000	
Chicago	236,400	569,000	136,830
Cincinnati	187,700	562,000	251,192
Cleveland	236,400	562,000	296,466
Colorado	32,000	479,000	0
Columbus	108,300	562,000	98,600
Dallas	128,000	636,000	4,600
Detroit	180,000	545,000	1,935,000
Florida Orch	32,600	538,134	39,344
Florida Phil	60,000	538,134	392,249
Grant Park		569,000	
Hawaii		453,000	1,116,250
Houston	165,000	636,000	31,212
Indianapolis	134,000	503,000	202,706
Kennedy Center		447,000	
Los Angeles	225,000	783,000	272,037
Louisville	70,000	462,000	221,551
Met Opera	480,000	641,000	
Milwaukee	142,500	496,000	511,008
Minnesota	231,900	490,000	231,800
National	181,500	447,000	0
New Jersey	92,900	527,000	1,479,508
NYC Ballet	300,000	641,000	
NYC Opera	214,450	641,000	
New York Phil	236,400	641,000	218,000
North Carolina	77,800	516,000	1,709,673
Oregon	105,000	473,000	175,100
Philadelphia	236,400	573,000	300,000
Phoenix	87,100	483,000	192,116
Pittsburgh	230,000	573,000	320,000
Rochester	102,000	641,000	184,000
St. Louis	233,000	498,000	660,290
St. Paul	135,000	490,000	160,900
San Antonio	53,500	636,000	9,453
San Diego	75,900	783,000	50,127
SF Ballet	255,000	783,000	
SF Opera	343,150	783,000	
SF Symphony	236,400	783,000	150,224
Syracuse	63,000	641,000	
Utah	96,300	460,000	132,000

For and Against

"I'm going against liberal members of Congress, liberals in the media, the radical homosexual community, the powerful arts lobby (*that's us, folks—Ed.*), and the National Endowment for the Arts. Jane Alexander is going to Congress, with her friends in the art industry, with her cohorts in the homosexual community, with high-powered lobbyists... and she's going to ask for 50 BILLION TAX DOLLARS... Do you want Jane Alexander teaching your children or grandchildren about the arts? I DON'T..."

Martin Mawyer, president, Christian Action Network

"My own view of the matter is the National Endowment for the Arts offends the Constitution of the United States. My own view is there is no constitutional authority for it to exist."

Rep. Dick Armey (R-TX), Majority Leader, House of Representatives

"Both endowments have made mistakes, often grievous mistakes. Some grants, perhaps a few, have been simply indefensible. This does not lead, in my view, to the conclusion that the endowments should be de-funded. I join many other conservatives in supporting their continuation."

Charlton Heston

"There is, in my view, a 'public good,' appropriate for public funding in the objectives of both endowments. That 'public good' lies in preservation of, and educated access to, our cultural heritage. There is little disagreement on the appropriateness of these objectives, and most agree that public funding might be part of the mix. That was also the conclusion of President Reagan's task force."

Frank Hodsoll, chair of the NEA during the Reagan Administration

"The legislated mandate for the National Endowment for the Humanities and the National Endowment for the Arts rests on noble ideals which both Endowments, at their best, should uphold."

The Heritage Foundation

"It's going to take absolute grass-roots, full-court effort to salvage the agencies... our problem now is not funding, but the very survival of the agency."

Nicholas Littlefield, aide to Senator Edward Kennedy (D-MA)

March to the Scaffold

Senators Kassebaum and Jeffords have indicated a strong interest in moving quickly in the Senate on NEA reauthorization. The first hearing before the Senate Labor and Human Resources Committee took place on January 24, with NEA chair Jane Alexander testifying. Additional hearings and mark-up are expected in mid-February and early March.

Congressional hearings on the arts and humanities have been scheduled for the following dates and are subject to change:

Week of Feb. 13 – Senate Education, Arts & Humanities Subcommittee, Sen. James Jeffords (R-VT), chair. Public NEA witnesses; NEH and IMS Administration and public witnesses.

Feb. 16, 10:00 AM – House Interior Appropriations Subcommittee (oversight hearing), Rep. Ralph Regula (R-OH), chair. Witnesses: Walter Cronkite, Ken Burns and David McCullough.

March 1, 9:30 AM – Senate Interior Appropriations Subcommittee, Dirksen 192, Rep. Slade Gorton (R-WA), chair. Witnesses: Sheldon Hackney and Jane Alexander.

March 3 – House Interior Appropriations Subcommittee (FY96 funding), Rep. Ralph Regula (R-OH), chair. Subject: National Gallery of Art and Kennedy Center.

March 21 – House Interior Appropriations Subcommittee (FY96 funding), Rep. Ralph Regula (R-OH), chair. Subject: NEH / IMS.

April 5 – House Interior Appropriations Subcommittee (FY96 funding), Rep. Ralph Regula (R-OH), chair. Subject: NEA

House Budget Committee [Rep. John Kasich (R-OH), chair] field hearings to solicit the views of Americans on how to cut the federal budget are scheduled as follows:

Feb. 4 – Columbia sc Airport High School Gym, 2:00 PM

Feb. 11 – Manville NJ, VFW Post 2290 Meeting Hall, 1:00 PM

Feb. 18 – Billings MT, Rocky Mountain College, 2:00 PM

The House Appropriations Committee is expected to draft a rescissions bill in middle or late February, with cuts in current FY95 funding. The House Budget Committee expects to draft its FY96 budget resolution by February 9 or 10.

Information compiled by People for the American Way and reprinted by permission of HotWire, a news summary from ArtsWire.

What To Do

CALL (900) 370-9000. This number, which has been set up by the American Arts Alliance with the support of the American Symphony Orchestra League, will send a mailgram supporting the NEA, the National Endowment for the Humanities, and the Institute of Museum Studies on your behalf. The charge for the call is \$1.99 per minute, billed to your phone. The call normally takes 3-4 minutes.

CALL the Cultural Advocacy Campaign Hotline at (800) 651-1575. The operator will send Western Union mailgrams to your Representative and your two Senators for \$9.50, which charge will also be billed to your phone.

WRITE your elected officials. Send your Representative a letter at:

The Honorable [name of Representative]
House of Representatives
Washington DC 20515-0001

Send your Senators a letter at:

The Honorable [name of Senator]
United States Senate
Washington DC 20510-0001

Don't know who your Representative and Senators are? Find out by calling the U.S. Capitol offices at (202) 225-3121 (House) and (202) 224-2131 (Senate). Many local phone books have the local phone numbers for members of Congress as well. The AFM BBS also has addresses, fax numbers, and email addresses available for downloading, although email is not yet the recommended way of lobbying members of Congress.

OTHER THINGS TO DO, after you've spent five minutes writing, calling, or telegraphing your Representative and Senators: get your students to write them. Ask your local to write as well. Write op-ed pieces for your local papers and radio and TV stations. You might also set up meetings of your orchestra's board, staff and musicians with your Representative and Senators so that they can hear first-hand what benefits NEA funding has brought to their constituents and see first-hand how many votes they won't get in the next election if they vote to kill the NEA.

FROM THE AFM: "the American Council for the Arts, Americans for the NEA, and the AFM are encouraging everyone to flood their two Senators and their Representative (at their district office) on 'Arts Advocacy Day' (March 14) with calls to save the NEA."

The Los Angeles Endowment for the Arts An Address to the 1994 ICSOM Conference by Joel Wachs

The National Endowment for the Arts is facing the most serious threat to its existence, despite its thirty year record of extraordinary contributions to the cultural enrichment of our nation.

Once again the NEA has exploded into a hot-button issue, and threatened budget cuts could be absolutely devastating. Taken together with prior years' funding cuts, and adjusted for continued inflation, the buying power of today's federal arts dollars has declined so steeply that it is now roughly the same as it was twenty years ago when Richard Nixon was in the presidency.

Yet it is important to remember that despite all of the controversy, and all of the economic bad times, and all of the political threats, the arts remain one of our greatest hopes—and present some of our greatest opportunities—for enhancing the quality of life in America today.

Our support of the arts must not be seen as a handout. It is not charity. On the contrary, it is an acknowledgment that our creative artists have something of enormous value to offer, their talent, for which they should be recognized and justly compensated.

The arguments that so many of us articulated on behalf of the arts at the time of the Endowment's inception are as valid today as they were when we originally made them. In fact, they seem even more relevant today as we confront the extraordinary challenges presented by our changing society.

It's still true, for example, that the arts can and must be used to strengthen the economic base of our nation's cities, as the arts help provide both the jobs and the enhanced urban environment which people seek in determining where they want to live and work—a factor of growing importance in today's service-based economy, where jobs follow people and people often follow amenities.

Indeed, when we adopted a new Los Angeles Endowment for the Arts in our city—an unprecedented program which, when fully implemented, will provide more than \$25 million a year for the arts, in contrast to the \$3 – \$4 million a year we previously spent—we did so because we recognized that our cultural resources are critical to the economic health and vitality of our city.

We knew that creative artists comprise a significant part of our city's workforce. Indeed, studies have counted more than 100,000 creative artists in the Los Angeles area alone. We knew that the arts are a critical link to tourism, which is our city's second largest industry, and that there is a strong and growing partnership between tourism and the arts, based on the fact that each substantially benefits the other.

We also knew that the arts and the industries they help support are the kind of industries we want to attract to our city, being both

labor intensive, with jobs at every skill level, and environmentally sound, with creativity as their essential raw material. Indeed, a study commissioned 10 years ago by the Greater Los Angeles Chamber of Commerce estimated that the overall economic impact of the arts in the Los Angeles area amounted to nearly \$5.1 billion in 1984 alone.

And this picture is not unique to Los Angeles. Over the past decade, several major studies have analyzed the economic impact of the arts in our nation's cities, and the research virtually always concludes that the arts have a significant impact on the local economy. In 1992 the Port Authority of New York and New Jersey released a study showing that cultural activities in the metropolitan region generated nearly \$3.5 billion in wages, salaries and royalties, that they were responsible for more than 107,000 jobs, and that their total economic impact was \$9.8 billion.

In January 1993 the long awaited comprehensive study by the National Assembly of Local Arts Agencies found that the non-profit arts industry alone spends \$36.8 billion annually and supports more than 1.3 million full-time jobs in this country.

We also knew that the arts can and must be integrated into every aspect of urban planning, and that there is not a single city program which couldn't be enhanced by an aesthetic or cultural component. It is not, for example, the arts versus housing and urban development; the arts can be critical to revitalizing our neighborhoods, enhancing our built environment, and preserving our historically significant resources. It is not the arts versus the homeless and people with AIDS; the arts can add beauty to their lives while also

continued on page 5



Joel Wachs (*right*) with Brad Buckley

Los Angeles Arts Endowment

continued from page 4

providing an eloquent voice for their anguish and pain. It is not the arts versus education, but a recognition that the nature of learning has changed. And thus it becomes only natural that we also look to the arts to help heal our nation's ailing cities.

Perhaps nowhere is this more pertinent than in my city of Los Angeles, where we recently suffered the worst civil unrest in modern American history. What happened in Los Angeles is really happening in every city, as the seeds of unrest are present everywhere.

If there is one lesson to be learned from the experience of Los Angeles, it's that we can't escape. We can't build walls high enough to avoid what's happening in society today.

Certainly art can't fix everything, nor is healing necessarily its primary purpose, but the arts are a way of communicating the anguish in our lives and of connecting people with one another, and that is precisely what we need to do. If there's one thing I've seen as an elected city official, it's that people are crying out to be heard. They do have something to say, and they want an opportunity to say it. Two of the most effective vehicles through which they can do so are politics and the arts.

So I was pleased that, in the aftermath of the riots, one of the first programs our city initiated was an arts recovery fund to encourage artists to address these concerns. This was itself part of a larger ongoing city effort to support a broad range of artists and arts organizations and to encourage them, without restriction on content, to address a wide range of social conditions, including the ethnic, racial, cultural, class and generational divisions in our city.

The Los Angeles Endowment for the Arts has placed great emphasis on cultural equity and an insistence upon inclusivity. It is one of the first major governmental programs to embrace the issues of cultural equity, questions which are so absolutely paramount to any meaningful efforts toward healing: who owns our institutions, who makes the decisions, who defines the art, who determines excellence, and whose lives and concerns are being addressed? These are questions which both the arts and our society must address.

We live in a society which is characterized by a remarkable and growing diversity, with many tensions seething beneath the surface. It is from this diversity that we must ultimately draw our strength, and we can only do so if we learn to understand and respect each other's differences. Whether it's through the symphony performing in Korean churches throughout Los Angeles, or festivals celebrating African-American and Middle Eastern cultures in our parks, or whether it's through the self-expression of skid row children at inner city arts, or the angry voices and personal pride of a gay and lesbian film festival, there is really no better way to do so than through the arts. We must never underestimate their poten-

tial. And we must continue to give them our strong support.

It is not the arts which have failed in America; it is us. Because if there's anything we've been guilty of, it's that we've become too complacent after years of effort to secure a place for the arts on America's agenda. After all of our efforts to establish programs of support for the arts at the national, state and local levels—to create an environment in which the arts can truly flourish—we let our guard down against the kind of demagogic attacks that we've experienced in the last few years.

So now it is imperative that we permanently mobilize an ever expanding arts community into a powerful political force, and not allow the demagogues and no-nothings in our society to frame the issues in narrow, partisan ways.

We must become a powerful and effective lobbying force, educating both the general public and our elected officials, and holding our officials accountable for their actions. There are really only two things that make politicians tick. Either they believe in something themselves, or they think their constituents believe in it enough to make it politically wise to support.

We need to make public officials more supportive of the arts, both by electing sensitive and knowledgeable people who will champion our cause and by nurturing broad public support by forcefully articulating the benefits which only the arts can provide. The policies of inclusion can only help us in this regard, for politicians are always looking to stack up power, and inclusivity always strengthens one's political base.

Indeed, in Los Angeles, it was the key factor in creating public support for the passage of our new arts endowment. Rather than dividing our efforts, it strengthened them. By bridging communities, and showing people that the endowment would in fact be accessible to all, they rallied behind it to create a strong base of political support. And they have continued to be a part of its implementation, thus assuring that it achieves the goals it promised.

The cultural enrichment that is possible in our cities is the highest and most eloquent expression of urban life itself. The arts and our cities are inseparable. It is our responsibility to keep it that way.

Unfortunately, the current battle over the national endowment is really about pennies. The NEA looms small in the overall federal budget — less than 0.25% — and the same is true for state and local arts budgets as well. But although the amount is shamefully small, the import is enormous. As an old Persian saying runs: "if you have but two pennies, with one buy bread and, with the other, hyacinths for your soul." We must not let America lose its soul.

Joel Wachs is a member of the Los Angeles City Council

Newslets

The **Louisville Orchestra** management and board have given the musicians a deadline of March 7 to accept their demands that the orchestra be reduced from the current number of 67 full-time musicians to 45. This demand follows concessions made last April by the musicians that reduced expenditures mandated by the 1993 collective bargaining agreement by \$300,000. Management has announced that subscription sales and fundraising for next season will be postponed until the musicians reach an agreement with them, an action that the *New York Times*, in an article on February 9, characterized as “preparing to invoke a clause of the 1993 agreement that allows [the board] to dissolve the orchestra for lack of operating funds” by “starving itself of ticket income and contributions.” In addition, the Greater Louisville Fund for the Arts, which shares several board members with the orchestra’s board, has threatened to suspend the orchestra’s annual grant of \$1,000,000.

In November, a committee whose membership included Fund for the Arts president Alan Cowen, orchestra board member (and American Symphony Orchestra League chairperson) Carole Birkhead, and orchestra executive director (and ASOL vice-chairman) Wayne Brown, recommended to the board that it cut the orchestra’s compensation for the 1995-96 season by \$280,000, \$200,000 less than the board is now demanding. Cowen demanded that the orchestra develop “a fiscally creditable budget that includes elimination of the accumulated debt within five years” and “product refocus,” as well as a “viable restructure of the Louisville Orchestra’s configuration to match financial resources with market demands.”

Consultants Ron Bauers of the University of Nebraska and William Thompson of the University of Kentucky, who were hired by the Louisville Orchestra musicians, disagree vigorously with the board’s contention that the orchestra will run a deficit of \$410,000 next season, claiming instead that current trends, including substantial increases in corporate and private donations since 1990, would produce a surplus of \$96,000.

The consultants’ report raises a number of questions about the board’s projections, including why the board has projected no additional income from a 45-week season over a proposed 40-week season that included musician concessions. Brown explained this to the Louisville *Courier-Journal* by stating that he planned no additional concerts despite five additional weeks of orchestra services. Bauers and Thompson also ask why the board is projecting ticket income to fall by \$199,000 over 45 weeks next year from this year’s projected figures for a 44-week season, as well as why contributions from the orchestra’s largest volunteer group are projected to fall by 50% next season.

Brown told the *Courier-Journal* that “without an agreement for the 1995-96 season, the board will have to decide whether to exercise a provision—based on financial performance—to continue to operate the organization. We would prefer to achieve a transition from our current position to our proposed position in a cooperative way. We will exercise other options if we are unsuccessful in achieving that position in a cooperative way.”

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June 1995

Save the NEA II

John Sparks
ASOL

It was getting to be every year's business, almost irritating in its predictability: arts organizations had to save funding for the National Endowment for the Arts. Each year, some outrageous grant would get headlines, then the national arts organizations, including the American Symphony Orchestra League, would trudge up to Capitol Hill to make the case for continued funding, and the call would go out across the country to activate grassroots support for the agency.

Annual though it was, this exercise never seemed to get any easier. It was tough, and we had some close calls as each appropriation cycle came down to the wire—but that was a comparative piece of cake to what we face now. After 30 years, 100,000 grants (about .0003 percent of which might be considered controversial), and an extraordinary record of meeting its tax-funded mission, the NEA is in the deepest trouble of its life.

Beginning in December, ICSOM and ROPA joined with the American Symphony Orchestra League and other national arts and humanities organizations to wage a battle for the support of the American public and the votes of members of Congress. In addition to staff time and resources, individual musicians, trustees, donors, and other supporters of orchestras across the country have volunteered by writing letters, calling and faxing members of Congress and getting orchestra audiences to do the same.

Nearly forty national organizations have met regularly to share information and to carry a joint message to blunt the attack on federal funding for the arts and humanities. This coalition includes organizations representing the major arts disciplines and presenters,

continued on page 4

Lew Waldeck
ICSOM

In January, ICSOM commissioned me to design and implement a lobbying campaign in support of the National Endowment for the Arts. After discussion with Brad and Dave, I designed an action plan which included an information pack, us representative maps, specimen letters, an (800) phone number, and the first SFY newsletter. The SFY newsletter was a combination of specially written pieces and material from many diverse sources. Among the sources used were American Arts Alliance bulletins, Arts News Hotwire, several bulletins from freedom of expression groups, materials received from Senator Bill Bradley (D-NJ) and Representative Robert Toricelli (D-NY), as well as American Symphony Orchestra League legislative alerts, and much material posted on the AFM bulletin board by ROPA chair Andrew Brandt. The breadth of source material only scratches the surface of the activity taking place on behalf of the NEA. The mailing of the first information packet was followed by a phone call to each delegate and to each orchestra management, detailing the expectations of the campaign and seeking full cooperation. I later heard that managements helped with photocopying, mailing, and, in at least one case, by making phones available for the use of musicians wishing to call their House representatives on Arts Advocacy Day.

Three more SFY newsletters and one legislative bulletin followed in subsequent months, keeping ICSOM members up to date on lobbying activities. The response of the musicians, their families, and their friends was gratifying. A second round of phone calls produced enough information to project that approximately 7,000 letters and phone calls had been generated by the campaign.

continued on page 3

Mark Tully Massagli
AFM

Over 30 years ago, the AFM was in the forefront of the struggle to preserve our national cultural heritage by lobbying to create a 'National Endowment for the Arts.' Today, the fruits of that effort are evident in the growth of symphony orchestras, artists-in-residence and music-in-the-schools programs, as well as hundreds of other non-profit music organizations nationwide.

Unfortunately, the threat to these institutions is as great today as it was before the creation of the NEA. Since the beginning of the year we have asked our members again to join their union in lobbying to preserve the arts by preserving the NEA. Now, with the crucial budget votes expected for some time in the early summer, we must redouble our efforts.

We must urge our friends in both political parties and both Houses of Congress to support the National Endowment for the Arts. We must enlighten those legislators who are undecided on this issue about how the minimal federal monies applied to the NEA multiply the tax revenues returned to all levels of government, making the arts one of the soundest investments the government can make. We must also remind our legislators

continued on page 5

Inside This Issue

1994-95 Wage Chart	2
To-Do List	3
Letters	6
Josef Gingold Remembered	7
New Pension Rules	7
Newslets	8

**1994-95 Revised Wage Chart of ICSOM Orchestras
compiled by Stephanie Tretick**

Orchestra	Weeks	Annual Minimum Salary	+Max Seniority (35-yr cap)	EMG	Pension		Average Services Weekly	Vacation Weeks	Relief Weeks
Atlanta	52	52,780	54,600	2,860	24,000		8	8	
Baltimore	52	56,420	60,580	none	19,500		8	8	
Boston	52	71,500	75,920	none	27,000		8	9	
Buffalo	37	27,241	28,536	1,639	13,680		8	3	
Chicago Lyric	23	31,050	32,137	none	8.5%	EPW	7-8	\$ bonus	none
Chicago	52	72,800	79,801	4,641	40,000		7.5	8	
Cincinnati	52	61,360	63,440	2,340	22,000		8	9	
Cleveland	52	67,600	73,840	none	27,000		8	9	
Colorado	37	21,645	22,940	1,110	5%	EPW/DCP	8	4	
Columbus	45	37,125	38,025	none	5-7%		8	3	
Dallas	52	54,340	56,160	4,160	23,040		8	8	
Detroit	44	58,240	60,000	2,000	24,000		8	2	winds
Florida Orch	36	22,500	23,760	180	5.5%	403(b)	8	3	none
Florida Phil	40	28,961	29,561	none	5%	EPW	8	3	none
Grant Park	10	9,230	9,599	none	9%	EPW	8	0	none
Hawaii	42	30,000	31,260	none			8	3	none
Houston	52	53,820	55,120	2,860	25,000		8	9	none
Indianapolis	52	48,100	51,220	none	28,800		8	8.5	8 services strings, 1st and 2nd wind
Kennedy Center	26.5	26,675	28,212	none	7%	EPW	11	4%	none
Los Angeles	52	70,200	74,360	2,000	31,500		8	9	1 week strings, 2nd winds/horn
Louisville	40	23,856	24,466	1,560	475/yr	EPW/403B	7	4	at least 9 services
Met Opera	52	67,808	67,808	none	50%		8	9	1 week
Milwaukee	42	41,790	43,182	none	24,000		8	5	2 floating plus 30 services (approx.)
Minnesota	52	64,220	65,780	1,420	30,000		8	8	6 maximum (on seniority) + 7 strings
National	52	59,280	69,680	none	25,000		8	9	1 extra week for strings
New Jersey	31	23,095	23,684	775	7.5%	EPW	7	2	none
NYC Ballet	30	36,880	39,505	none	11% of gross	EPW	6 perf	4	none
NYC Opera	25	25,000+		none	10%	EPW	5	4	none
New York	52	73,320	77,740	none	40,000		8	9	1 of 9 vacation weeks
North Carolina	46	33,350	34,270	none	8%	403(b)	8	4	4 services personal leave
Oregon	43	31,498	31,498	562	8%	EPW	7	2.5	none
Philadelphia	52	70,720	75,920	5,500	37,500		8	10	1 of 10 vacation weeks
Phoenix	34	18,826	20,050	none	0 in 94/95		8	2	none
Pittsburgh	52	63,960	67,080	none	25,000		8	10	none
Rochester	41	30,635	31,535	none	5%	DCP	8	4	none
St. Louis	52	58,240	60,320	none	28,000		8	9	1
St. Paul	36	42,226	43,376	1,200	'93 \$ amnt	403(b)	8	3	1
San Antonio	39	24,570	25,935	none	5%	EPW	7	3	none
San Diego	36	28,440	30,600	1,620	6.5%	private	8	2	none
SF Ballet		22,341	23,485	988	10%	EPW	6.5	10%	none
SF Opera	25	45,459	46,259	1,553	8.5%	EPW	6+reh	4	1 opera alternate season for strings
SF Symphony	52	70,330	74,230	1,560	28,000		8	10	3 floating
Syracuse	36	21,597	21,991	none	.004	private	7.5	4	some relief during opera weeks
Utah	52	35,152	36,452	none	8%	EPW/403(B)	8	9	3 additional unpaid weeks

Wage Chart Notes

Atlanta:	Seniority is in addition to overscale.
Boston:	At least 22 weeks are 5-day weeks.
Chicago SO:	EMG=Radio: 8.5% of scale times 39 weeks.
Cleveland:	Additional radio guarantee: 26 weeks @ 6%.
Detroit:	Additional relief: 2 svc's/year/5 years seniority (max 8 svc). EMG includes radio.
Florida Phil:	Salary includes annual travel bonus of \$750.
Grant Park:	Salary includes special services, health & welfare.
Kennedy Center:	Maximum possible seniority only \$58/wk as of 1/94. Season under two contracts; opera and ballet/musical.
Los Angeles:	Past retiree pension: \$103/106/110/month times years cap in place when originally retired.
Louisville:	Pension is \$250 AFM-EP + \$225 max match to mutual fund. Relief based on # of services played in previous season.
Met Opera:	Pension is 50% of wage during 1 of last 3 years service. Rehearsal scale for 30 weeks = \$36/hr.
Milwaukee:	Pension is \$50/month/years service, no max. Additional payment into TSA for radio broadcasts. Management is adding optional 43rd week to season this summer.
NYC Opera:	Base does not include rehearsal pay. Seniority equals 1 week salary times each 3 years of service; applies to members over 62 years old only.
New York Phil:	Each player receives at least \$1,040 overscale in addition to amounts in chart.
North Carolina:	4 weeks of summer season are included but are optional.
Philadelphia:	Pension is \$1250/yr of service, 30 year maximum 1993-96 + additional \$5,000 after 31 years service. String bonus of \$20/week.
SPCO:	1994-97 wages will reflect COLA, which cannot be computed in advance.
SF Opera:	Vacation is in addition to 25 season weeks.

NEA/ICSOM

continued from page 1

While this activity is important, we must realize that the fight has just begun. There are still the issues of reauthorization and funding to come. Some new legislators have promised, "we'll take care of it (i.e., kill the NEA) during authorization." This battle will go on for many months and it is important to fight every step of the way.

The NEA represents a small part of our orchestras' budgets, but the cachet of authenticity the grants give our institutions multiplies their value many times. There are still members of Congress supporting the Endowment, but they need to see the value of the difficult political position they have taken. Our letters and phone calls show them the number of concerned voters they can count on. Some in Congress have been strong and outspoken. Senator Frank Lautenberg (D-NJ) is among those staunchly supporting government funding of the arts. In a recent letter, he stated "I recognize the value of artistic expression within our culture and believe that the government should help foster that expression. Please be assured I will continue to support the highest possible funding levels for the NEA."

Contrast that with the views of Representative McCrery of Louisiana, who told Brandt that "if the proposal to balance the budget means cutting the NEA by 50%, then I'll vote for it. If the proposal to balance the budget means zeroing out the NEA, I'll vote for that."

It is these conflicting views that set the scene for reauthorization of the Endowment. Before that issue reaches the floor of Congress, we must move some more support to our side. Whether lobbying individually or in groups, with board members and management staff or without, there is much work to be done.

Waldeck, a past director of the Symphonic Services Division of the AFM, is the director of "Speak for Yourself."

CALL (900) 370-9000. This number, which has been set up by the American Arts Alliance with the support of the American Symphony Orchestra League, will send a mailgram supporting the NEA, the National Endowment for the Humanities, and the Institute of Museum Studies on your behalf. The charge for the call is \$1.99 per minute, billed to your phone. The call normally takes 3-4 minutes.

CALL the Cultural Advocacy Campaign Hotline at (800) 651-1575. The operator will send Western Union mailgrams to your Representative and your two Senators for \$9.50, which charge will also be billed to your phone.

WRITE your elected officials. Send your letters to:

The Honorable [name of Representative]
House of Representatives
Washington DC 20515-0001

The Honorable [name of Senator]
United States Senate
Washington DC 20510-0001

NEA/ASOL*continued from page 1*

such as the League, the American Association of Museums, and OPERA America, as well as those with smaller or more specialized constituencies.

From that effort grew the (800) number and (900) number call-in campaigns (which to date have yielded an estimated 30,000 mailgrams to Congress), donated advertising in newspapers around the country, scores of meetings with members of Congress and staff on Capitol Hill by representatives of the coalition, and materials for letter-writing by constituents to members of Congress.

Noting the existence of this effort, conservative NEA opponent Lynn Cheney (the former NEH chairman who now calls for the agency's dissolution) said, with typical exaggeration, "I have never seen a campaign like this in all the years I have been in Washington," suggesting that we somehow dwarf the banks, the auto manufacturers, senior citizens, and the gun lobby. She was saying, in effect, that arts organizations have mounted a furious, well-financed campaign that is "overwhelming"—implying that we amount to simply another powerful self-serving elite clinging to its government subsidy.

Well, I wish at least part of that were true—that we really had this huge machine, primed and rolling, persuasively lobbying Congress and the public to preserve these tiny little agencies. But as I look around the battle field (the offices, meeting rooms and hallways of Washington), the truth is that we are a tiny band of warriors indeed. There is no way we can match either the vituperation or the volume of the forces against us; nor can we ever get within spitting distance of the money needed to mount a thorough counterattack to the anti-NEA forces. Ms. Cheney's insinuation to the contrary, in terms of cash and other resources, we remain the David in this battle with a right-wing Goliath—a Goliath that is driven in part by an upheaval in American politics that is far larger than concerns about arts funding. (But remember, in that story, David won...)

Light at the End of the Tunnel?

Is our effort working? Have we made any headway toward preserving some federal commitment to the arts and humanities?

Yes and no. Yes, more people from more diverse interests than ever before have been galvanized to speak up for saving the NEA and its sister agency, the National Endowment for the Humanities. Yes, there were some members of Congress who were ready to write off these agencies completely a few months ago, but who now concede that saving them in some form is possible.

In other words, we have come a good distance since January, when, flush with their ascendancy to power after 40 years of Democratic control, the new House leadership made it seem as if the NEA and NEH were already as good as dead.

The more positive spin became apparent in February as the tenor of newspaper articles and editorials began to change. As NEA public affairs director Cheri Simon noted, the media inquiries became

less like, "How do you justify these obscene grants?" and more like, "Tell us more about what these programs have done in our community." And, as supporters of the NEA know well, that's the story America needs to hear. The NEA has been a resounding success in bringing the arts to more people than ever before. As our effort moved through February, it was apparent that this message was getting out, and some of the resistance was softening.

But now (and you knew this was coming) for the "no" part. We have put forth an effort that is, at least for us, unprecedented. There has been a great response from the arts communities; if this were the same annual battle we had to fight in the last few years, we would have essentially "won" by now. The problem is that the election in November changed everything—the goalposts has been moved, higher and farther away than ever before.

No, the agency is not saved yet, though the war is not over. What we would define as "real success", i.e. keeping the agencies essentially intact with only "minor" funding cuts, seems unlikely.

It is true that we have made enormous progress in thwarting the plan to terminate all funding immediately. As of this writing, termination at the end of FY 1995—midnight September 30—remains a real danger, but the dominant mood in the House of Representatives is to approve some sort of gradual phase-out of the agency with significant cuts and shifts along the way.

On May 10, a House committee approved a reauthorization bill that phases out the agencies in three years; in FY 1996, they would be funded at only 40 percent of their current funding, and this level would be decreased each year until total elimination occurs in FY 1999. To make matters worse, the House committee bill provides that during that time, 80 percent of that dwindling funding will be handed over to state government arts agencies—an immediate turning away from what the NEA has done best: giving direct grants to arts institutions and artists.

This bill may or may not make it off the House floor. There is a hard core of right-wing members, many of them in the freshman class of the House, who want nothing less than the outright death of these agencies. But there are many conservative and moderate Republicans who are more amenable to the phase-out (which they see as a compromise that is "friendly" to the arts), and together with the minority Democrats, and a handful of pro-NEA Republicans, they could produce the votes needed to keep these agencies alive a few more years, albeit in tattered form.

The Senate is our well of hope: a better bill, meaning no near-term phase-out and fewer reductions, may be possible there. By the time you read this, the Senate committee chaired by Sen. Nancy Kassebaum (R-KS) may have produced an NEA and NEH reauthorization bill that most arts groups can support. Then we head to a battle in the House-Senate conference committee to resolve differences between in the two bills this summer.

continued on page 5

NEA/ASOL*continued from page 4***Why We Fight**

So, in the weeks ahead, is it worth the battle—more letters, more calls, more of your time and mine? You bet it is.

Anticipating that question back in December, I wrote a memo for the League's government affairs committee that assessed the pros and cons of waging this battle, with my guesstimates for our success. It's premature now to judge how accurate that was, but so far the arguments made at that time seem to be holding up.

Among other things, I noted that we don't have any self-respecting choice but to fight for this agency. Even though NEA funding amounts to an average of three percent of orchestra revenue, it is a critical three percent, and the NEA makes possible much of the state and local funding that for many orchestras is just as, or even more, significant.

Besides, percentages can be misleading—just look at the actual dollars, and you can see the value of fighting for this funding. In FY 1994, the NEA directly granted orchestras more than \$8.4 million; indirectly, through NEA grants to state and local arts agencies, millions more were provided. From FY 1984 through FY 1995, the NEA has directly provided nearly \$134 million to American orchestras.

To get at the big picture, remember that, without NEA money, many state and local arts councils would cease to exist. In FY 1994, the total public sector funding (local, state and federal government sources) for orchestras came to \$46.4 million. Again, this is not the biggest area of funding for orchestras; earned income and private contributions provide far more. But how on earth is the orchestra community going to replace that \$46.4 million overnight?

Corporate giving seems to be topping off. With the wholesale devolution of many federal responsibilities to the states, localities, and the private sector, what are the prospects for hard-pressed state governments to approve continued appropriations to the arts, especially with the NEA incentive money gone? And with private donors besieged by more and more worthy causes seeking to fill the void left by the federal abdication of responsibility for anything that happens anywhere in this country, what are the prospects for orchestras in competition with those expanded demands on private philanthropy?

You get the picture: a federal role in the arts and humanities is worth fighting for, and fight we must. Today, our hope is that through a renewed round of letters and meetings from our field, including thousands of orchestra musicians, we can build the pressure for Congress to approve an NEA reauthorization (and then an appropriations bill) that does not set a termination date for the agency and does not prescribe disproportionate cuts in funding. Our efforts have been credible, and a viable federal commitment remains achievable—but grassroots remain the name of the game.

ICSOM, ROPA, and the League are working in partnership to play our part, but ultimately our best chances for success rest with the players, trustees, orchestra staffs, and audiences making their voices

heard. No calls to the Hill or letters from lobbyists will ever equal to a member of Congress the value of a short, personal note from each of you! It is simply not enough for your ICSOM delegate to send a letter on your behalf, any more than it is enough for the orchestra manager to send a letter on behalf of all the trustees or staff. When the individual trustees, donors, and musicians speak up, our prospects improve dramatically.

Let me give you a textbook example. For years, most Americans felt some form of gun control was appropriate, but most members of Congress voted the other way. The reason was that the much-touted (and feared) power of the National Rifle Association did not derive primarily from the money it brought to the battle, although that was important. The real strength of the NRA was the geographical dispersion and numbers of their members. The money in the hands of the NRA made Congress uncomfortable, but it was the NRA members in their districts that made them jump, even though the electorate overall was not with the NRA. Congressional sentiment on this issue began to change only when pro-gun control constituents began to make their voices heard.

America's orchestras can do the same—and there never has been a more propitious time than now.

Sparks is Director of Government Affairs for the American Symphony Orchestra League. Prior to joining the League in June 1992, he was a government affairs representative for two Washington public affairs firms and a press secretary for two members of Congress, and worked in several Congressional and Presidential election campaigns as well for the AFL-CIO in Florida as a political organizer. One self-described highlight: walking the picket line at the Kennedy Center in 1980.

The League's government affairs program monitors, analyzes and reports to member orchestras on legislative and regulatory issues affecting orchestras, such as public funding for the arts, taxes, education, postal rates for non-profits, and copyright issues.

NEA/AFM*continued from page 1*

that the NEA brings music and the other arts to every community in this country.

Please make your voices heard. Call and write to your Senators and Representatives at their home offices. Whenever possible, visit with them when they are back in the district. Gather petitions from your audiences to demonstrate how important your contribution is to your community. And above all, let your Congressional delegation and your community know that preserving music and the arts is not about politics or political parties—it's about nourishing our American character and our American culture.

Massagli is the president of the American Federation of Musicians.

How to Cook an Editor and Other Letters

As the theme of the cover article of the August 1994 *Senza Sordino* correctly implies, it has been a rough year of negotiating for many orchestras around the country. Many of our colleagues have felt the economic crunch and it is doubtful that the situation will improve in the near future. ICSOM and the services it provides are valuable resources for the solidarity of our industry.

It is with this in mind that I must heartily protest your decision of including David Borque's editorial "How to Cook a Conductor" and the accompanying drawing by Karen Smith in *Senza Sordino*. I find this especially sickening as I am now, in my duties as Cleveland Orchestra committee treasurer, collecting money to send approximately \$4,000 in membership dues to ICSOM. Now is a time when we all need to work together, and this flagrant display of the "us against them" attitude which we should all try to conquer is clearly inappropriate.

I appreciate the hard work you do on behalf of our profession, but I believe that it would be put to better use if you would leave the locker room "humor" where it belongs and keep the theme of the newsletter more positive.

RICHARD KING

King is a member of The Cleveland Orchestra

Robert Levine replies:

In the interest of fairness, I should note that David Bourque didn't write this rather ancient chestnut, but simply uploaded it to the AFM BBS, while Karen Smith's drawing was contributed at my request.



A musician in an American orchestra usually sees a different conductor from week to week for the length of the orchestra's season. Each week, different demands are put on the musician. What is required of the musician depends on the repertoire of the week, on the performance sites, on the weather (its effects on instruments, bows and reeds), on the abilities and performances of colleagues, but above all on the musical ideas of the conductor of the week. Therefore, the skillful orchestral musician must not only be constantly striving to overcome the technical difficulties of playing his particular instrument, but must be able to adapt to the ideas of sound, phrasing, dynamics, articulation, and balance that the conductor of the week has brought with her.

On the other hand, after playing his instrument for many years, rehearsing and performing with scores of conductors, teaching and coaching excellent students, listening to recordings and live performances, making classical and commercial recordings, playing with chamber groups and orchestras outside his own group, and reading and thinking about music, a musician usually develops strong ideas of his own about music, its meaning, and its execution.

These two roles of the musician, the versatile, accommodating aide to the conductor, and the thoughtful, experienced player with

knowledge, ideas and musical needs of his own, sometimes come into conflict. In practice this conflict is resolved by deferring to the conductor's wishes. The inevitable frustration that remains is dealt with in different ways by different players. Some try to find satisfaction outside of work by teaching or playing with other groups. Others turn to hobbies or second jobs. Many become very occupied with external working conditions, length of coffee breaks, overtime pay, and other union contract matters. However, some players remain committed to reconciling the values that made them choose music as a profession with what actually happens when they come to work.

The frustration described above is rarely understood by conductors, managements, or artistic staffs. So when a musician raises questions about artistic matters, and the questions are dismissed as unnecessary nitpicking or petty complaints from bickering, temperamental artists, frustration remains unabated. Many players who follow this path eventually become discouraged and turn to one of the other pursuits listed above. This makes life easier for conductors and managers, but may be harmful to the product.

There is a huge reserve of knowledge among the players in any professional orchestra, and that reserve is rarely tapped and largely underestimated. The life, health, and diversity of our great art, the performance of classical orchestral music, may depend on whether a way can be found to tap that reserve.

CHARLES ULLERY

Ullery is a member of The Saint Paul Chamber Orchestra



I am writing in reference to the letter from Christine Perry which appeared in the August issue of *Senza Sordino*. While all aspects of this letter are worthy of consideration, of particular interest to me were the references to Board participation and the need for guidance in this area. While the Utah Symphony was not the first orchestra to gain Board representation, we were pioneers in this area. By 1990, utilizing an ongoing negotiating strategy which saw this as a priority, we had voting members on virtually every board committee. I personally campaigned vigorously for this, and spent four years on the Executive Committee (Small Board) and two years as a member of the Budget-Finance Committee (concurrently).

At the end of my tenure, I could honestly say that the Utah Symphony was in better shape before I started than when I finished as a board member. As musicians in the Utah Symphony, we now face some very serious problems. As musician board members, we saw these problems coming, watched them grow, and thought we knew the solutions, yet we were able to effect little change despite our best efforts. The irony is that as board members we take responsibility for situations over which we have little influence. We give the appearance of complicity, but in reality are powerless.

continued on page 7

In Memoriam Josef Gingold

Josef Gingold began his daily teaching schedule with his own practice time. Well before the arrival of the first student, Mr. Gingold was already ensconced in his studio, properly attired in jacket and tie, fondly saying good morning to his beloved Stradivarius violin in scales and arpeggios. One would arrive for the lesson and play the assignment; then through a smile Mr. Gingold would deliver that familiar comforting preamble to the rest of the hour: "Now then, my dear, let's work."

Though his teaching followed a classic school of violin pedagogy, Mr. Gingold did not put a stamp of uniformity on his students: they displayed a wide variety of playing styles and personalities. His master classes were populated by students of all levels and temperaments, and he was proud of them all. A first year student just learning vibrato was made to feel as important as the artist diploma candidate getting ready for an international competition.

Mr. Gingold displayed endearing old-fashioned propriety and was miraculously unsullied by daily trivialities. His overwhelming love of the art of music was a reproach to the petty politics of the music world: his honorable reticence instilled an air of polite ethics in all those around him. Long after the official course of lessons was over, many of us still phoned him often; just to hear his beloved sandy voice put the world back in perspective. We will miss that.

Josef Gingold taught by example, and his life served as the textbook for his students. His examples were sometimes given without explanation, just demonstrated, but they were revelations. He imparted his deep love of the violin and of music and life to a long line of students whose honor it is to pass it on again. Thank you, Papa G.

Stephanie Tretick
M.Mus. violin, IU Bloomington 1973-75



Photo by Jerry Mitchell

Under Funding Wood

The Pension Benefit Guaranty Corporation (PBGC), the agency which administers many of the provisions of ERISA (Pension Reform Act), has recently proposed a new regulation that would implement new requirements regarding "underfunded pension plans."

Under the regulation, most companies with pension plans that are less than ninety percent (90%) funded must provide an annual notification of that fact to all plan participants. It also provides for accelerated funding for such plans, increases premiums to PBGC for insurance to cover plans with large amounts of underfunding, and gives PBGC stronger enforcement tools to ensure compliance.

Although in the long run the accelerated funding requirements and increased premiums may have a greater impact, there is concern also that the notification of underfunding might unduly frighten musicians into believing that their orchestra is in greater fiscal danger than it really is.

The reality is that an enormous number of perfectly safe pension plans are less than 90% funded. While any underfunding is of some concern, and bears watching, it is no cause to panic.

Indeed, if you have not been keeping a collective eye on the rate of funding by your management, this notification ought to act as a reminder to do so. But just as with the infamous "FASBE 87" rules, which make the balance sheet look a bit worse than it really is, the notification of less than 90% funding should not, in and of itself, instill fear in our hearts.

If you have any questions about these new regulations, consult with local counsel/actuary or ICSOM counsel.

Leonard Leibowitz
ICSOM Counsel

Letters

continued from page 6

We are still facing many legal questions, such as balancing loyalties. Pro-labor legal opinions tell us that we have a fiduciary responsibility to report everything to those who we represent, namely the orchestra and the local union. Our Executive Committee tells us that to divulge sensitive information to those we represent is a violation of our responsibility as trustees of the organization. They have even threatened to meet secretly without us if they can't "trust" our confidentiality (which I have suspected they have done anyway).

I know that ICSOM's legal counsel is not in favor of this type of co-determination, and I obviously understand why, but I still believe in this concept. Common sense tells me that it is better to have some control over your destiny as an orchestra. With ICSOM as a forum, we can pool our collective resources and determine how to proceed.

LARRY ZALKIND
Zalkind is a member of the Utah Symphony

Newslets

The ICSOM Governing Board met once in March and once in April in Newark to discuss ongoing issues and the annual conference.



The American Symphony Orchestra League will hold its 50th annual conference from June 14-17 in Portland, Oregon. The theme of the conference will be "Your Orchestra, Your Community."



The managers of many of the major American orchestras will meet at the ASOL conference with consultant Ralph Craviso to discuss labor relations. Craviso is a former vice-president for personnel for Continental Airlines (under the infamous Frank Lorenzo) and was later vice-president for employee relations at American Airlines, a position he resigned in 1993.



The American Federation of Musicians will hold its biennial convention from June 19-21 in Las Vegas. Representing ICSOM will be Brad Buckley, Dave Angus, and Jim Clute, ICSOM chair, president, and member-at-large respectively. Several other ICSOM musicians will be attending in their capacities as local officers.



ICSOM will hold its annual conference from August 16-20 in Vail, Colorado. There will be more news about the conference in the next issue of *Senza Sordino*.

A number of musicians from ICSOM orchestras assembled in Washington DC on May 23-24, at the request of the AFM, to lobby their Congressional representatives on behalf of the "Digital Performance Right in Sound Recordings Act of 1995." This bill, which was introduced by Senators Dianne Feinstein (D-CA) and Orrin Hatch (R-UT), would expand copyright protections so that performers on sound recordings and the companies producing the recordings could receive royalties and licensing fees when such recordings are broadcast on digital subscription services (such as cable) and interactive digital services.



ICSOM continues to expand its Internet services. In addition to *DOS Orchestra*, ICSOM's more-or-less weekly newsletter about orchestras, ICSOM has also started an Internet mailing list for discussion by ICSOM musicians of matters of professional concern.

To subscribe to Orchestra-L, the ICSOM mailing list, send a message to: **orchestra-l-request@icsom.org**. To subscribe to *DOS Orchestra*, send an email message to: **dos@icsom.org**.

Those brave pioneers who subscribed to the original ICSOM mailing list a few months ago, and who survived the infamous "Night of the Thousand Bounced Messages," will be pleased to hear that the new list will be run by hand for a while. When the volume of messages becomes unmanageable, the list will then be moved, very carefully, to an automated site.

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Tiptoeing through the TNT: The Duty of Fair Representation

Those musicians fortunate enough to enjoy the manifold privileges of serving on orchestra committees (sharing bag lunches with management in basement rehearsal rooms, being chewed on by colleagues for sins too numerous to count, and the like) will no doubt be cheered to know that along with those perquisites come responsibilities. The bad news is that, as an arm of the certified bargaining agent for your orchestra's musicians, namely your local union, those responsibilities include the ability to make a big legal mess. Perhaps the biggest playground for potential mess-makers is the doctrine known as "the duty of fair representation." The good news is that a working knowledge of this doctrine will go far to help the worried committee member sleep soundly at night.

The certified union for a bargaining unit is granted an exclusive right under the National Labor Relations Act (NLRA) to represent all of the employees in that unit, members and non-members alike.

This exclusive rule, giving the union the right to represent all members, is the underlying basis for the imposition of the duty of fair representation. Along with this right goes the duty to represent fairly all of the employees of the unit, whether members of the union or not. Fair representation must be found both in the negotiation of the collective bargaining agreement and in its enforcement.

In a leading Supreme Court case, *Steele v. Louisville and N.R.R.*, a black railroad fireman asked the Court to set aside a seniority agreement negotiated by his union because it discriminated against minorities who were part of the bargaining unit. Although the Railway Labor Act, under which the union had exclusive rights to bargain for the employees, did not explicitly do so, the Court held that the Act implicitly imposed a duty on the union to exercise its powers fairly on behalf of all those for whom it acted. Later court decisions found that the NLRA imposed the same duty.

It is to be noted, however, that court decisions have acknowledged that contracts may legitimately have unfavorable effects on some members of the unit. The law does provide that such unfavorable effects cannot be the result of discriminatory treatment based on arbitrary, irrelevant, or insidious considerations, such as union membership or race. A union must consider all employees and make an honest effort to serve their interests in good faith and without hostility or arbitrary discrimination. The courts have held, in fact, that absent such a finding of bad faith, the courts may not question

the actual bargain struck by the union. It cannot be a breach of the duty of fair representation unless it is so far outside the range of reasonableness as to be wholly irrational.

Usually discrimination problems during contract negotiations can be easily detected and corrected. What may be more difficult to detect is whether the union has breached its duty of fair representation in contract enforcement; that is, whether the union chooses to follow the contract grievance procedure on behalf of the employee, and whether it pursues such grievances fairly. Under most collective bargaining agreements, the right to assert a violation of the agreement against the employer lies not with the individual employee but with the union. Court action against the employer usually cannot be taken unless and until the employee exhausts that grievance procedure or alleges and proves that he or she was prevented from doing so by the wrongful action of the union. Thus, fair treatment of the employee by the union administering a grievance is very important.

An employee must use the grievance procedure controlled by the union, but the employee does not have an absolute right to have a grievance pursued. In *Vaca v. Sipes*, the Supreme Court noted that a procedure giving the union discretion to supervise the grievance machinery and to invoke arbitration establishes an atmosphere for both parties to settle grievances short of arbitration. The parties are assured that similar grievances receive similar treatment; thus, problem areas under the collective bargaining agreement can be isolated and perhaps resolved. Therefore, a breach of the duty to represent an employee fairly occurs only if the union's conduct toward the member is arbitrary, discriminatory, or in bad faith. However, the Supreme Court also indicated in *Vaca* that a union can violate the

continued on page 2

In This Issue

OK Bud, where's the Presto?	3
AFM Does Vegas	4
Play with Your Mind	5
Newslets	6

Fair Representation

continued from page 1

duty if it processes a grievance in a perfunctory manner. “Perfunctory” means acting in a superficial manner without care or interest. In *Vaca*, the union had thoroughly investigated the employees’ grievance and had even sent the employee to another doctor for evaluation at the union’s expense. Thus the Court briefly noted that perfunctory treatment could be a violation but did not consider that aspect of the doctrine in detail because it was clearly inapplicable under the facts.

In *Hines v. Anchor Motor Freight Inc.*, however, the Court directly faced the perfunctory processing issue. In *Hines*, the employer discovered that certain drivers had turned in expense vouchers for motel rooms that, according to motel records, were higher than the amount the drivers had actually paid for the rooms. The employer, concluding that the drivers had pocketed the difference, discharged them. The drivers maintained that they had paid the full amount for the rooms. They told the union that the motel clerk must have altered the motel’s records and embezzled money from the motel. The union business agent processed the drivers’ case to arbitration. The drivers continued to maintain their innocence, but the arbitration board upheld the discharges.

The employees sued the union for breach of fair representation and the employer for breach of contract in the same suit, on the theory that their discharges had violated the just cause provision of the contract. During pre-trial proceedings, the motel clerk admitted that he had stolen the money and that the drivers were innocent, as they had claimed. The employer argued that the arbitration board’s decision was final and binding, even though the employees could now prove their innocence. The Supreme Court stated that normally an arbitrator’s decision, right or wrong, is final and binding on the employees. However, the Court held that an arbitrator’s decision is not binding on the employees if the union violated its duty of fair representation in processing the case. The Court concluded that the union had violated its duty because it had handled the grievances in a perfunctory manner by failing to check out the employees’ defense that the motel clerk was guilty.

The *Hines* case requires that a union investigate the merits when a grievance is filed; it cannot simply go through the motions. A union’s decision whether to proceed, drop or settle a grievance must be based on a consideration of the grievance’s merits and the advantages or disadvantages of proceeding. A grievance cannot be treated as a casual matter or processed as a matter of form without any interest or true consideration of its merits. So long as a union gives a grievance the consideration it deserves and does not deal arbitrarily, discriminatorily, or in bad faith with employees, the union’s decision, right or wrong, is not a violation of the duty of fair representation.

Some examples of breach of that duty are obvious. Discrimination because of race, sex, or nationality is clearly prohibited.

The merit of a grievance sought to be enforced by the employee is not paramount in a court’s review of a union’s actions. It is the actions of the union itself that the court will review. If the union, in good faith and without discrimination, determines that a grievance should not be pursued, or if it indeed properly processed the grievance, albeit unsuccessfully, it has not breached its duty to the employee.

An employee, however, who has been unfairly treated by the union has a cause of action against the union for the breach and against the employer for the underlying grievance. This occurs when the union has acted in bad faith and with discrimination in not pursuing the grievance.

In a recent Supreme Court case, *Bowen v. The U.S. Postal Service*, the Court apportioned the damages due the wrongfully discharged employee between the union and the employer by using the date of a hypothetical arbitration decision. All back pay prior to the hypothetical date was due from the employer; all back pay from that date to the time of settlement was due from the union.

The Court reasoned that, if the employee had been properly represented, the employer’s liability would have ended at the arbitration decision. All back pay benefits from that point onward were caused, and should be paid, by the union.

Orchestra committees function basically as “agents” of the Union, and many of them are the initial body which is charged with grievance handling. It is therefore important for musicians to understand these basic precepts.

The committee too must act in good faith, must investigate the grievance as fully as possible, in a timely fashion, and in most circumstances make an objective recommendation to the Union as to whether or not they believe the grievance has merit, together with their reasons and an analysis of any and all relevant contractual provisions. It must also be careful to keep the grievant informed as to the process and of its findings.

Just because the committee comes to the “wrong” conclusion, e.g. finds merit where none exists, or finds no merit where it does exist, will not normally constitute breach of the duty so long as the decision was arrived at after the investigation described above and in good faith.

The duty of fair representation is not always easy to define in a given case. This article is intended solely as a primer. Specific cases should be checked out with local counsel or ICSOM counsel.

Leonard Leibowitz
ICSOM Counsel



Symphony Orchestra
Rehearsal Department Police

BEHAVIORAL VIOLATION

NAME OF OFFENDER

DATE/TIME OF OFFENSE

INSTRUMENT

LOCATION

Impersonating a Professional Fine

- Stupid Questions \$10.00
Really Stupid Questions \$25.00
Really Stupid Questions Which Increase Rehearsal Time \$300.00

Presumptuous First-Year Behavior Fine

- Musicological Elucidation \$25.00
Historical Nitpicking \$50.00
Obtrusive Foot Tapping \$10.00
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Confessions of a Convention Virgin: Stranger in a Strange Casino

To this rank-and-file AFM member, Federation conventions had always seemed like rather distant and mysterious events. Being a newly-minted officer of an AFM local gave me the chance to experience the mysteries of both the AFM and Las Vegas first-hand.

Although the convention formally began on the afternoon of Monday, June 19, a number of delegates, as well as all the AFM officers, senior staff, and legal counsel, had already been in Las Vegas for several days, serving on the various committees that consider legislation to be placed before the convention. Most of the delegates arrived on Sunday afternoon or Monday morning, lending the lobby of the convention area an ambience of a 30-year high school reunion being held at a charter-flight check-in.

On Monday morning, a breakfast meeting was held for new delegates. There were around 40 such delegates in attendance this year, around 10% of the total convention attendance and up substantially from previous years, and they were a relatively diverse crowd in terms of age, gender, and ethnicity. All of the members of the AFM International Executive Board were present, and several of them spoke to the new delegates about conference procedure.

The most surprising aspect of the convention for this writer was the near-total dominance of legislative proceedings. Except for the standard welcoming speeches and a few reports (and, of course, the elections for officers), the convention concerned itself entirely with legislation. Virtually all of this legislation, moreover, was in the form of amendments to the AFM's bylaws.

Proposed amendments came in two flavors: "recommendations," which came from the IEB, and "resolutions," which came from local officers. Both recommendations and resolutions were distributed to delegates well in advance of the convention, as well as being printed in the *International Musician*. Recommendations and resolutions were considered by various committees (which, although authorized by the convention on Monday, were mostly up and running before the start of the convention), where testimony was heard and modifications considered before being brought to the convention as part of the various committees' reports. As one might expect, most of the recommendations from the IEB made it unscathed through the committee process, while many of the resolutions were brought by the committees to the convention floor with a negative recommendation. There were some instances of rather creative deal-making, though, that resulted in legislation blending elements of recommendations and resolutions on the same topic.

Unlike recent conventions, where the focus had been on the AFM's finances, the high point of this convention were the elections for officers. The hardest-fought campaign was between Steve Young, AFM vice-president and president of the Boston local, and Sam Folio, a member of the five-person AFM Executive Committee and the trustee of several locals, including Reno and Miami. While deconstructing the campaign rhetoric was especially challenging to

this novice to the arcane world of Federation politics, informed observers generally viewed the campaign as emblematic of the major fault line within the Federation, the split between small locals and large locals. Folio, who was nominated by a delegate from the smallest local in the AFM (Fond du Lac, Wisconsin, with 15 members), was generally seen as the champion of the issues that concern small locals, while Young was regarded as the "insider" candidate, with strong ties to the largest locals in the AFM. The campaign featured many of the accouterments of modern political campaigns, including direct mail, lapel buttons, and more than a dash of negativity. The race, which was viewed as being too close to call on Monday, resulted in a clear but not overwhelming victory for Young, who becomes the first musician from the classical music side to head the world's largest entertainment union.

Tom Lee, a member of the Executive Board and Secretary-Treasurer of Local 161-710 (Washington DC), defeated Richard Q. Totusek, best known to ICSOM delegates as the musicians' traveling parliamentarian ("Have Roberts, will travel"), in a race that was a model of courtesy. The three incumbent members of the Executive Committee running for reelection, Tom Bailey, Tim Shea, and Ken Shirk, all won. The two seats being vacated by Tom Lee and Sam Folio were won by Bill Moriarity, president of Local 802 (New York City), and Ray Hair, president of Local 72-147 (Dallas-Fort Worth). Steven Sprague, the incumbent AFM secretary-treasurer, cruised to an easy victory over nominal opposition.

continued on page 5

ICSOM in Vegas

Although Brad Buckley, Dave Angus, and Jim Clute, the three delegates from ICSOM, were sequestered in one corner of the vast ballroom along with the delegates from ROPA, OCSM, and RMA, their presence was felt throughout the convention. They could usually be seen in a hallway having quiet discussions with various Federation officials about legislation affecting the interests of ICSOM musicians. Their lobbying efforts on behalf of ICSOM were sufficiently effective that at no point did they need to exercise their right to speak to the Convention as a whole.

In addition, the three ICSOM officers helped organize a gala celebration of the AFM's centennial. This party, which was hosted by ICSOM and the other three Players' Conferences, was held at the *Top of the Riv*, the penthouse ballroom in the hotel, on Monday June 19, and featured Si Zentner and his orchestra. The centerpiece of the party was a ceremony honoring retiring AFM president Mark Tully Masagali. Although the event unfortunately coincided with the "Folio for President" campaign party, attendance was extremely good, with many of the delegates and virtually all of the officers and staff of the AFM making an appearance.

AFM Convention

continued from page 4

While much attention was focused on the issue of the Federation's declining membership and how to fix it, perhaps the most interesting floor battle occurred over the issue of officers' compensation. The Finance Committee brought two recommendations from the IEB to the floor; the first was to raise the delegates' convention per diem (exclusive of hotel) from \$30 to \$50, and the second would raise the salaries of the AFM officers. The first recommendation, to the surprise of many, was defeated on the only standing vote of the convention. The second was headed for defeat when retiring president Mark Tully Massagli made a very emotional speech to the convention on the necessity of raising officers' salaries on grounds of both necessity and equity. His speech was universally credited with turning the convention around on the issue, and the recommendation to raise salaries was passed decisively on a voice vote.

The next day, however, there was a motion from the floor to reconsider the motion to raise the convention per diems which had been defeated the day before. This motion was passed, and the motion to raise the per diems was also passed on reconsideration. So, in the end, both the officers and the delegates got raises.

Other legislation of interest to ICSOM musicians included new language that would allow *only* Federation members to participate in orchestra meetings on contract or union matters, including contract ratification.

After the convention was adjourned on Wednesday afternoon, this delegate made it out of the hotel for the first time since his arrival on Sunday to reflect, in the midst of several thousand sightseers watching a pirate ship sink into the sunset, on his experiences. The dominant impression left after three days of meetings, lobbying in the hallways, and hurried dinners was the seriousness with which the delegates did the business of the AFM. The Federation has changed quite dramatically over the past decade or so; the new emphasis on organizing, the increasing diversity seen in its delegates, and its new president all prove that. There are many difficult issues yet to resolve within the AFM, but this new delegate left Las Vegas cautiously hopeful about the Federation's future as a home for all of America's professional musicians.

Robert Levine



Photo by Laura Brownell

Representatives from ICSOM, ROPA, OCSM, and RMA gather in Las Vegas

Orchs Psychology

Musicians of the Syracuse Symphony Orchestra were recently privileged to attend group and individual sessions with sports psychologist Don Greene of the ProMind Institute.

Don, who holds a Ph.D. in psychology, served as the sports psychology consultant for the 1984 U.S. Olympic Diving Team, and works with a variety of professional athletes on performance enhancement. He met sso principal bassist Ed Castilano during the summer of 1993 in Vail, Colorado, where Ed was performing with the Rochester Philharmonic. While working on aspects of Ed's golf game, the two became fascinated by similarities between sports performances and music performances.

Working through our orchestra committee, Ed arranged Don's first visit to Syracuse in November 1993, where Don met with approximately 35 members of the orchestra in both group and individual sessions. The musicians completed the Artist's Learning and Performance Inventories, evaluative instruments developed by Don to provide focus and insight into individual performers' personal challenges. Following this, each musician met privately with Don to discuss the results and possible avenues for improvement.

Don returned to us this past April, administering a refined version of the Inventories, following up, as before, with individual interviews with musicians.

One-and-one-half months after the April session with Don—a session that was followed by several phone consultations—Brian Thomas, assistant principal horn with the sso for the past five years, won the second horn position with the Houston Symphony. In Brian's words, his work with Don Greene was "the final and significant part of the puzzle."

In reflecting on my own impressions of Don, based on personal interviews as well as several less formalized conversations with him, terms such as "intelligence," "sensitivity," and "quiet confidence" come to mind. I have met few people with whom I have felt so quickly relaxed and comfortable.

We in the Syracuse Symphony Orchestra who have benefited from Don's work look forward to future involvement, and we hope that our fellow musicians in other orchestras across the country will have a similar opportunity.

GERALD ZAMPINO

Zampino is a member of the Syracuse Symphony

Others clinicians and/or researchers in the field of music and arts psychology include Dr. David Sternbach (Washington DC), Dr. Peter Ostwald (San Francisco), Dr. Kyle Pruett (Yale University), and Dr. John Gedo (Chicago)—*Editor*.

Newslets

The management of the **Buffalo Philharmonic** announced on June 23 that it would cancel most of the orchestra's summer season and would explore a merger of the orchestra's administration with the University of Buffalo Performing Arts Center or Shea's Performing Arts Center in an effort to lower costs.

Management canceled 25 of 28 concerts scheduled between July 3 and August 31. The only concerts not affected were a Fourth of July concert, a performance on July 3 at the downtown baseball park presented by the Buffalo Bisons, the local AAA baseball team, and a benefit concert on August 31 with humorist Mark Russell.

Executive Director John Bauser cited cash-flow problems, caused by reduced county funding and a drop-off in subscription sales for next season, and failure to reach agreement with the orchestra's musicians on a furlough plan as the reasons for the cancellation, the second such cancellation in two years.

Mark Jones, president of the Buffalo Musicians' Association, Local 92 AFM, which represents the 76 orchestra members, denied that there was a failure to reach an agreement with management on the furlough issue. "I have in my possession a signed agreement between the union and John Bauser dated June 9—just two weeks ago—agreeing to the furlough plan," Jones said. "How can you sign an agreement, if these (funding) problems do exist, and then 11 days later say we don't have an agreement?" asked Jones. "It's mind-boggling."

Jones placed the blame for the current situation on Bauser and expressed dismay about the abrupt nature of management's

announcement. "No one was told about this. Not the Union, not ArtPark [the BPO's summer venue]. When I picked up the message on my answering machine, I thought somebody was pulling my leg."

Although recent cuts in state funding for the orchestra have been partially restored, BPO board president William L. McHugh said that the net loss of \$173,000 was too big a burden for the orchestra to overcome. "Under these circumstances, it is not responsible to go forward, losing money on each event," he told the *Buffalo News*.

Bauser, who is leaving the orchestra on October 1, told the paper that "everything we're doing now is designed to preserve [the winter season]." Canceling the summer concerts "is a disappointment for me, the musicians, and the board."

The musicians and management reached an agreement last June, after the orchestra suspended operations on May 9, that provided for a pay cut of 5%, a cut in health benefits, and changes in work rules. As part of the agreement, the musicians got six seats on the twelve-member Executive Board.

David Midland, president of ArtPark, told the *Buffalo News* that he was "appalled" by Bauser's contention that the cancellation was due to reductions in state funding, writing that "after the New York State budget was announced in February, ArtPark and the BPO agreed to a format for 1995 to include 16 Philharmonic concerts. This agreement was signed by ArtPark on April 14 and returned, signed by the BPO, on June 10 . . . indeed, I had assurances from the BPO's executive director that they would not cancel concerts this summer, despite rumors to the contrary."

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September 1995

Martian Bassoonists Invade Mountain Town *Confab Buried under Avalanche of Reed Shavings*

No, the 1995 ICSOM Conference in Vail wasn't quite *that* interesting. But there were enough bassoonists (including new AFM president Steve Young and ICSOM chairman Brad Buckley) to constitute an invasion, while those in attendance could have been forgiven for feeling as if they had been buried in information, both verbal and written.

In addition to the keynote speech by Young, who spoke on the challenges facing the Federation in the next two years, the conference featured a record number of presentors. Wayne Horvitz, head of the Federal Mediation and Conciliation Service under President Carter, and ICSOM counsel Leonard Leibowitz gave a workshop on the process of mediation, while former ICSOM co-counsel Liza Hirsch Du Brul led a panel that included AFM counsel George Cohen, Milwaukee media consultant Barbara Haig, and the former executive director of the San Diego and Buffalo orchestras, Michael Tiknis, on the subject of negotiating in the 90's. Lastly, Richard Hackman, Cahners-Rabb Professor of Psychology at Harvard University, moderated a discussion of the possibilities and pitfalls of self-governing orchestras with Lee Yeingst of the Colorado Symphony, Frances Saunders of the London Symphony Orchestra, Jose Bergher of the Philharmonico Nacional de Venezuela, Erin Lehmann of Harvard University, and Leonard Leibowitz.

Other speakers included Andrew Brandt, president of the Regional Orchestras Players Association, who spoke eloquently on the many threats to the existence of professional orchestras in the U.S. from various levels of government. Florence Nelson, the Director of the AFM Symphonic Services Division, spoke on her first full year in that position and the issue of musicians serving on orchestra boards and board committees, while Shin Moriya, head of the orchestra and choral section of the Musicians' Union of Japan and a working musician in Tokyo, spoke to the delegates about the situation of his country's orchestra musicians.

In his report as ICSOM chairman, Buckley stated that while there remain problems and challenges in the field, there are also some real success stories, and cited both the Louisville Orchestra's struggle and the response of ICSOM orchestras to their appeals for assistance (ICSOM orchestras have donated over \$30,000 to the Louisville musicians to help them). He also talked about the upcoming phono negotiations, the problems of the AFM, and the need to deal with the issue of musicians' role in orchestra governance.

Guests at the conference included ICSOM chairperson emeritus Melanie Burrell and a large delegation from the AFM, including Young, AFM vice-president Tom Lee, Executive Board members Ray Hair, Bill Moriarty, and Tim Shea, and AFM general counsel George Cohen. Several local officers and Federation staff attended as well.

Elections were held for the positions of Governing Board member-at-large. The four incumbent office-holders, James Clute, Michael Moore, Mary Plaine, and Charles Schleuter, won reelection from field of six candidates, two of whom were nominated from the floor.

In addition to the normal business of an ICSOM conference, Buckley led a six-hour discussion of the upcoming negotiations for a new phonograph agreement, and the conference enacted the following resolutions:

- condemning "all participation in the production and distribution" of bumperstickers that were purportedly distributed by Wayne Brown, executive director of the Louisville Orchestra, which said in large letters "I can't stand classical music;" and
- endorsing "the inclusion of domestic partner benefits" in member orchestras' collective bargaining agreements.

The conference also voted to admit the Kansas City Symphony to ICSOM as soon as that orchestra met the requirements for membership under Article II of the ICSOM bylaws, as well as to forgive the 1994-95 dues of the Hawaii Symphony and Louisville Orchestra.

Excerpts from the various panel discussions will appear in future issues of *Senza Sordino*.

Robert Levine

In This Issue

Orchestra Settlements 1994/95	2
Index to Volume 33	7
ICSOM Email Directory	7
Erratica	7
Newslets	8

ICSOM Orchestra Settlements 1994-95

Chicago Lyric Opera Orchestra

The members of the Chicago Lyric Opera Orchestra ratified a new three-year contract on August 2, 1994.

Length of Season – [WAS 23 weeks (1993-94)]

23 weeks; 28 weeks [1995-96 is 23 weeks + 5 weeks of rehearsals and performances of the RING CYCLES]; and 24 weeks

Wages [WERE \$1,290/wk]
 1994-95 \$1,350/week
 1995-96 \$1,410/week
 1996-97 \$1,475/week

Vacation [WAS 13% of basic wages paid at season end]
 14%; 14%; 15%

Seniority [WAS over 10 yrs service 2% / over 20 yrs 3%]

Over 10 yrs 2%/over 20 3% over 10-2/over 15-3%/over 20-3% over 7-1%/over 10-2%/over 15-3%/over 20-3%/over 25-4%

Pension [WAS 8% AFM-EP on basic wages]
 8%; 8%; 9% (includes seniority and overtime)

Health Insurance [WAS Lyric pays up to \$210 monthly premium until 9/1/94 + 50% over cap]
 1994-95 \$210/\$240 until 9/1/95 + 50% over cap;
 1995-96 \$240/\$270-until 9/1/96 + 50% over cap;
 1996-97 \$270/\$300-until 9/1/97 + 50% over cap (no dependent coverage)
 [NEW] 50% of monthly premiums all three years.

Overtime [WAS time and one half over 27 hours/week. Double time: none] 1994-95 time and one half over 27 hrs/wk
 [NEW] double time over 30 hrs/wk 1995-96 time and one half over 26 hrs/wk doubletime over 30 hrs/wk 1996-97 time and one half over 24 hrs/wk double time over 30 hrs/wk

Life Insurance [WAS \$10,000] \$30,000; \$40,000; \$50,000

Audition Committee [WAS no pay]
 [NEW] \$50/day for 7 members all three years

Instrument Insurance [WAS taxable payment to members of \$150] [NEW] Group insurance provided.
 1994-95 \$13,000 maximum premium
 1995-96 \$14,000
 1996-97 \$14,500

Working Conditions – Lyric will commit \$17,000 toward the purchase of new chairs, to be chosen in consultation with orchestra committee and Lyric representatives, not later than 9/95.

CHRISTMAS BREAK [currently 7 consecutive days off] 1995-96 10 consecutive days off; 1996-97 10 consecutive days off with Lyric endeavoring to make this more than 10 up to 14 consecutive days off.

DOUBLING 25% over regular weekly wage of English horn/oboe; Bassoon/ contrabassoon; Clarinet/ bass clarinet; Flute/piccolo.

The negotiating committee members were Mike Green [Chair], Jim Berkenstock, Greg Sarchet, Jon Boen, and Mark Brandfonbrener. The members of the orchestra would like to thank Chicago's Musicians' Union Local 10-208 President Charlie Guse and their negotiating attorney Mike Greenfield.

Chicago Symphony

The members of the Chicago Symphony Orchestra ratified a new three-year contract on September 17, 1994.

Length of Season – Remains at 52 weeks for all years

Wages [WERE \$1,300 (\$67,600)]
 1994-95\$1,400 (\$72,800)
 1995-96 \$1,460 (\$75,920)
 1996-97\$1,510 (\$78,520)
 These figures represent increases of 7.7%, 4.3%, and 3.4% respectively.

Radio [WAS 8% of scale per broadcast, no contractual agreement for number of weeks (had been 52, reduced to 39)]
 Remains 8% of scale. 39 weeks guaranteed in first year, remainder to be negotiated.

Seniority [WAS 5 yrs \$40/wk, 10 yrs \$60/wk, 15 yrs \$80/wk, 20 yrs \$100/wk, 25 yrs \$125/wk]
 Increases in same proportions as salary each year (i.e. 7.7%, 4.3%, 3.4%)

Pension [WAS \$40,000]
 \$48,000, effective last day of contract; includes \$3,000 annual payment for all retirees, past, present and future, which replaces previous contribution from Radiothon proceeds and is effective January 1, 1995.

Health Insurance – Remains the same except non-PPO deductible increased from \$250 to \$300 individual and from \$500 to \$600 family.

Disability [WAS 2/3 salary with a cap of \$4,000/mo.]
 Cap raised to \$6,000/mo.

Per diem – For foreign tours, those staying in orchestra hotels will be provided a full breakfast, where possible. Per diem will be reduced by the breakfast amount in these instances.

Auditions Internal auditions allowed; screens for all Members if any auditioning Member requests. Invitee Auditions to be held in a special "pre-final," no screens, with Music Director and Audition Committee. Full auditions will include finalists from both the invitee round and the normal audition process. New procedure for Audition and Members' Committees to deal with conflicts of interest.

Working Conditions –Increase number of Tuesday or Thursday concert days without rehearsal from 6 to 8. New overtime provision for exceeding 90-minute break limitation. No services on Passover Eve and on non-concert Sundays at Ravinia, with limited exceptions.

Miscellaneous – Life insurance increased from \$75,000 to \$100,000. Hire an additional violist, effective in the second year. Salary-increase percentages also apply to many other payments, including excess and over-average services, overtime, "Members OP" (extra employment) services, outside ensemble concerts, doubling, audition committee pay, etc. Sabbatical pay increases from 33% to 50% of salary. Provision for timely notification of termination of probationary Members. Expansion of instrument loan fund to no less than \$1 million. Adjustments in grievance procedures.

The members of the Negotiating Committee were Steve Lester [Chair], Roger Cline, Sam Magad, Ray Niwa, Don Koss and Max Raimi, as well as Local 10-208 President Charles Guse. The Committee would like to thank attorneys Mike Greenfield and Pat Collins.

Cincinnati Symphony

The members of the Cincinnati Symphony ratified a new four-year agreement on November 18, 1994.

Length of Season [Was 52 weeks]
 1994-95 52 wks
 1995-96 53 wks
 1996-97 52 wks
 1997-98 52 wks

Wages [Were \$1155/wk – \$57,750/yr (included a two-week layoff)]
 1994-95 \$1155/wk – \$60,060 + one-time contract settlement bonus of \$1300
 1995-96 \$1175 [26 wks] / \$1200 [26 wks] (\$61,750/yr)
 1996-97 \$1230 [26 wks] / \$1275 [26 wks] (\$65,130/yr)
 1997-98 \$1310 [26 wks] / \$1345 [26 wks] (\$69,030/yr)

continued on page 3

Settlements

continued from page 2

EMG [Was \$45/wk]
 1994-95 \$45/wk
 1995-95 \$50/wk
 1996-97 \$55/wk
 1997-98 \$55/wk

Vacation Remains at 7 + 2 wks EMG credit (9 wks guaranteed)

Seniority Remains the same (\$40/wk maximum)

Pension [Was \$22,000 maximum] Becomes frozen at that level September 5, 1994, with rule of 85 and 30 years and out remaining conditions. Additional pension will be AFM-EP with employer contributions of 3.5% of salary for 3 years and increasing to 4% in the final year.

Health Insurance- Remains a PPO with improved financial enhancement for in-network, smaller network. Musicians must pay 10% in network and 30% out of network.

Disability Insurance [NEW] Fortis - 60% of salary with a one-year waiting period.

Dental and Instrument Insurances No change

Sick Leave No change

Per Diem [NEW] Domestic per diem has \$10 additional for major cities.

Miscellaneous - The \$1,300 bonus for contract settlement is new to us and was used as a good will gesture to achieve a freeze in salary level for the first year of the contract. The pension settlement was the most difficult obstacle. The Board agreed to a \$5.2 million transfer from the endowment to freeze our underfunded (45%) private pension plan and move to EP contribution.

The members of the Negotiating Committee were Martin James [Chair], Bill Platt, Stacey Woolley, Tom Sherwood, and Paul Frankenfield. The members of the Cincinnati Symphony wish to thank their attorney Phil Sipser, Local 1 and its President, Gene Frey.

Florida Philharmonic

The musicians of the Florida Philharmonic ratified a new 4-year agreement on September 9. The ultimate success of the Florida Philharmonic negotiations stemmed from the musicians' preparedness to strike (one was barely averted), close attentiveness during a series of barbarically long days, and broad orchestra participation. As well, a year of planning and the orchestra's resolve and support for the Committee and its work was at the heart of what was accomplished, as was our solidarity, which the musicians

have learned is very important throughout the term of a contract. The orchestra had to contend with an unusual management team in whom it could feel no confidence or respect (including an ex-colleague and representative, Rosemary Estes), which made a difficult process more so. The chairman of the Board finally realized the gravity of the situation and asked to come before the orchestra. It was a calculated risk but, with certain conditions, he was allowed to appear. In diplomatic terms, the meeting was an exceedingly frank exchange about all aspects of the Philharmonic, the negotiations, economics, and other numerous needed commitments all of which helped lead to the following new four-year agreement.

Length of Season - [Was 40 weeks]
 1994-95 40 wks/incl 2 wks of vacation
 1995-96 40 wks/incl 2 wks of vacation
 1996-97 41 wks/incl 3 wks of vacation
 1997-98 43 wks/incl 4 wks of vacation

Wages [Were \$27,375]
 1994-95 \$28,211
 1995-96 \$30,262
 1996-97 \$32,000
 1997-98 \$35,000

Vacation [Was 2 weeks] increased to 3 wks in 1996-97 and 4 wks in 1997-98

Seniority [NEW]

1994-95	1995-96	1996-97	1997-98
\$5/wk	\$5	\$5	\$5
\$7.50/wk	\$10	\$10	\$10
\$10/wk	\$12.50	\$15	\$15
\$12.50/wk	\$15	\$20	\$20
\$15/wk	\$20	\$25	\$25

Pension [Was 5% AFM-EP]
 1994-95 5%
 1995-96 6%
 1996-97 8%
 1997-98 8%

Health Insurance - Unchanged

Instrument Insurance - Increase coverage to \$100,000 per musician. Policy now fully funded by FPO.

Sick Leave [Was 21 services cumulative]
 1994-95 23 services
 1995-96 25 services
 1996-97 28 services
 1997-98 28 services [cumulative sick leave has no caps]. Musicians may donate unlimited number of sick leave services to a colleague.

Per Diem Residence travel adjustment [was \$700/yr]
 1994-95 \$750;
 1995-96 - \$775;
 1996-97 - \$800;
 1997-98 - \$800.
 Also small increases in meal allowances.

Working Conditions - Restrictions on double-service runout days. 2 double-service runout day = 7 service week; 3 double-service runout days = 6 service week

Miscellaneous - The Florida Philharmonic is now a one-tier orchestra with all 84 musicians on one level.

The members of the Florida Philharmonic Negotiating Committee were Tim Conner [Chair], Leslie Bahler, Tom Hadley, Don Nelson, Mike Montgomery, Susan Friend, Larry Ledwon, Stuart MacDonald [OSP Steward], and Geof Hale. The orchestra would like to thank both Liza Hirsch Du Brul and Tom Olcott for their wisdom and expertise. Their constant guidance and tireless efforts to keep the management honest and the train on the track toward clear understanding and a decent contract were invaluable to the orchestra throughout the negotiations. Thanks are also due to trustee and IEB member Sam Folio and the Orchestra Service Program of the AFM/SSD.

Houston Symphony

The members of the Houston Symphony ratified a new three-year agreement on October 20, 1994.

Length of Season - [WAS 52 wks] 52 wks; 52 wks; 53 wks.

Wages [WERE \$1020/wk]
 Retroactive to 5/29/94 \$1,025
 11/27/94 \$1,045
 5/28/95 \$1,065
 11/26/95 \$1,090
 5/26/96 \$1,115
 11/24/96 \$1,145

EMG [WAS \$40/wk]
 Retroactive to 5/29/94 \$55
 5/28/95 \$70
 5/26/95 \$85
 Local radio broadcasts remain at no additional payment. [NEW] Radio broadcasts other than local are paid at \$40 for single performances and \$20 per broadcast for releases as part of a series with payments escalating to \$25 in the second year of non-local series.

Vacation Remains at 9 weeks

Seniority Remains at \$5/5 yrs. service, up to 25 years of service.

Pension [WAS \$20,000]
 Becomes \$25,000 (Rule of 85 remains.)
 [NEW] Substitute and extra players will receive an additional 5% of their compensation paid to the AFM-EP.

Health Insurance - [WAS Musicians paid a portion of the cost of the Society's self-insurance plan above a set figure.]

continued on page 4

Settlements

continued from page 3

Society now pays 95% of premiums for employee. Dependent Coverage [WAS Society paid 50% of premiums for employee dependents.] Society now pays 75% of premium for employee dependents. (A PPO plan is continued [includes dental insurance] which has 95% coverage in network and 70% coverage out of network.)

Disability – 60% of salary, up to \$4000 maximum.

Instrument Insurance [WAS String players – one instrument and two bows up to \$40,000 valuation covered at Society expense. Other players – contracted instruments up to \$25,000 valuation at Society expense.] [NEW] One back-up instrument covered for up to \$10,000 valuation at Society expense.

Sick Leave Unchanged

Per Diem [WAS \$39/day plus \$15/day incidentals] \$42/day plus \$15/day incidentals.

Miscellaneous – Limitations on consecutive double recording service days and number of recording service hours in one day. [NEW] During winter season, vacancies anticipated for 90 days or more must be filled by a substitute on a six-month contract with the provision that, if a new permanent replacement be hired and available prior to the completion of the substitute's contract, the substitutes contract can be terminated with two weeks notice. [NEW] Players in dismissal proceedings for musical reasons has the right to appear before the Players' Committee before the committee reaches a decision.

The members of the Houston Symphony Negotiating Committee were Tom Elliott [Chair], Chris French, Kevin Kelly, Phil Stanton, and Larry Thompson. The members of the orchestra wish to thank counsel Phil Sipser for his expert advice. Additionally, the musicians want to thank AFM local 65-699 and its officers E.C. Holland, President, and Bob McGrew, Secretary/Treasurer.

Minnesota Orchestra

The members of the Minnesota Orchestra ratified a new four-year agreement on October 20, 1994.

Length of Season – Remains 52 weeks

Wages [Were \$1,260/wk]
 \$1,235/wk until 10/1/95
 10/1/95 \$1,280
 4/1/96 \$1,300
 10/1/96 \$1,320
 4/1/97 \$1,340
 10/1/97 \$1,365
 4/1/98 \$1,410

EMG [Was \$25/wk]
 9/1/95 \$55
 4/1/98 \$70

Vacation Remains at 8 weeks.

Seniority Remains at \$30/wk maximum.

Pension [Was \$27,000/yr]
 Effective 10/24/94 \$30,000. Minimum for already retired goes from \$800/mo. to \$1000/mo. Pension reopener on 10/1/96.

Health, Dental, Disability, & Instrument Insurances
 No change.

Per Diem 25 miles more/day for bus travel. Breakfast/lunch/dinner \$12/\$18/\$29

Auditions Audition committees to be chosen by members' committee rather than the artistic advisory committee.

Working Conditions – No services to be scheduled 24 hours after sundown of Rosh Hashana and Yom Kippur.

Miscellaneous – All three librarians are now part of the musicians' bargaining unit.

The members of the Negotiating Committee were James Clute, Michael Gast, Burt Hara, Marcia Peck, and Ross Tolbert. The members of the Minnesota Orchestra wish to thank their attorney, Ronald Rollins. They also want to thank Local 30-73 President Brad Eggen and Secretary Russ Moore.

National Symphony

The members of the National Symphony ratified a new contract on October 12, 1994. It is the successor agreement which expired on September 7, 1993, and extends through September 1, 1997.

Wages [WERE \$1,140/wk--\$59,280/yr. Wages are frozen for 2 years, last season and the current season..] On 9/5/95, wages become \$1,185/wk--\$61,620/yr. There is a 3-way split in the third year. On 9/3/96, scale becomes \$1,267/wk; on 1/7/97, it becomes \$1,348/wk; and on 5/6/97, goes to \$1,430/wk. Annual salary at scale in last year is \$70,113.

Vacation Remains at 8 wks. with one relief week for everyone and one additional relief week for string players

Pension [WAS \$25,000/yr at maximum] In 9/96 goes to \$30,000 and \$35,000 in 8/97.

Health Insurance – [WAS Guardian Life indemnity plan 80/20 after a \$250 deductible (\$500/\$1000 max. out of pocket)]

Becomes Health Plus option plan – PPO \$5 per visit co-pay or 80/20 out of network after \$250/\$750 deductible. In 4th year, musician pays 25% of difference between individual premium and spouse or family premium.

Per Diem [Same Foreign-State Department formula] Domestic per diem remains \$63/day in first and second years. Increased to \$67 in third year and \$70 in fourth. Ten largest cities bonus remains \$10. Increased to \$12 in third year and \$13.50 in fourth.

Working Conditions – Management agrees to provide fans onstage whenever possible for outdoor concerts.

The members of the National Symphony Negotiating Committee were William Foster [Chair], David Whaley, David Howard, Linda Harwell, and John Huling. The members of the orchestra wish to thank the officers and members of Local 161-710 with special thanks to President Joe Shifrin and Secretary-Treasurer Tom Lee for their support. The orchestra would also like to thank attorney Jeremiah Collins [Bredhoff and Kaiser] for his wisdom and expertise.

New York City Ballet Orchestra

The members of the New York City Ballet Orchestra ratified a new two-year agreement on November 23, 1994.

Length of Season – Remains 23 weeks + 3 summer weeks.

Wages [Were \$1,105/wk – Rehearsals were \$32/hr]
 1994-95 \$1,150 (Reh. \$34/hr)
 1995-96 \$1,200 (Reh. \$36/hr)

Vacation Remains 4 weeks

Seniority Remains the same

Pension [Was 11% AFM-EP]
 1994-95 11%
 1995-96 12%

Health, Dental, Disability & Instrument Insurance
 No change

Sick Leave Remains at 10 days/yr cumulative with no limit.

Tours [Previously, rotation players had to accept all of tour or nothing] Rotation players may split tours.

Miscellaneous – [Principal premium pay WAS 25%]
 1994-95 25% additional
 1995-96 27.5% (increases to 30% in the last week of 1996 spring season)
 Associate Principal pay 50% of Principal pay. All move ups to premium pay chairs are paid the applicable premium.

continued on page 5

Settlements

continued from page 4

The members of the Negotiating Committee were Laurance Fader [Chair], Jane Cochran, Joyce Flissler, Andrew Lolya, and Michael Martin. The members of the New York City Ballet Orchestra wish to thank their attorney Sheldon Engelhard. They would also like to thank Local 802 and its President, William Moriarity, and legal counsel Leonard Leibowitz.

Pittsburgh Symphony

The members of the Pittsburgh Symphony Orchestra ratified a new 4-year contract on March 18, 1995, the terms of which are retroactive to September 5, 1994.

Length of Season – Remains at 52 weeks.

Wages [Were \$1,230 per week]
 1994-95: \$1,230 (\$63,960 per annum)
 1995-96: \$1,230 (\$63,960)
 1996-97: \$1,230 (\$63,960)
 1997-98: 26 weeks at \$1,380, 26 weeks at \$1,530 (\$75,660)

EMG [Was \$40 weekly] No longer paid, but 40 hours of recording is guaranteed during the first two seasons of this agreement.

Vacation [Was 9 weeks] Now 10 weeks, with an 11th week free of services available through voluntary exchange of services (community outreach and education, coaching school students, e.g.)

Seniority Remains at \$60 maximum per week for 30 years of service.

Pension [Was \$25,000]
 1994-95 \$25,000
 1995-96 \$25,000
 1996-97 \$35,000 + \$5,000 window for qualified musicians
 1997-98 \$35,000

Health Insurance – Musician's choice of comprehensive, HMO, or PPO.

Per Diem Domestic touring rate [was \$53] increases to
 1994-95: \$60
 1995-96: \$65
 1996-97: \$70
 1997-98: \$75

In addition, new structures have been put in place for musicians' input in the areas of scheduling, touring, and media.

Members of the negotiating committee were Hampton Mallory (chair), Howard Hillyer, Andrew Reamer, Martin Smith, Harold Smoliar, Stephanie Tretick, and Arie Wenger. The members express their deep appreciation to counsel Louis Kushner for his patience, wisdom, and expertise, and to Local 60-471 and president, Phil Slaugh for their support.

San Antonio Symphony

The members of the San Antonio Symphony Orchestra have ratified a new three-year agreement on June 30, 1994.

Length of Season – Remains at 39 weeks all three years.

Wages [Were \$605/wk]
 1994-95 \$630 (\$24,570)
 1995-96 \$670 (\$26,130)
 1996-97 \$700 (\$27,300)

Vacation Minor changes in configuration.

Pension [Was 4.5% AFM-EP]
 1994-95 5%
 1995-96 5.5%
 1996-97 6%

Health Insurance Unchanged [NEW] A voluntary Flexible Spending Account will be offered by 9/1/94.

Disability Insurance Choice of policy will be determined by a joint management/musician committee.

Life Insurance [NEW] \$25,000 available in first two years and \$45,000 in last year of contract.

Instrument Insurance [Was \$25,000/non-string; \$50,000/string] \$100,000 per musician, aggregated to include all instruments in the orchestra.

Sick Leave [90 available per year] unchanged

Travel [NEW] A physician certified in general practice, family practice, or internal medicine will accompany the orchestra on all foreign tours. Air transportation must be provided for all trips exceeding 200 miles.

Auditions The San Antonio Symphony will follow the Code of Ethical Practices for national auditions. Scheduling, Repertoire, and screening of applicants, shall be made with the participation of all audition committee members. An additional preliminary round may be called "semi-finals." Winning candidates of titled positions may be required to perform with orchestra before being offered a contract.

Working Conditions [NEW] Services presented by the SASO outside the season shall include the following guidelines: musicians will be paid a pro-rata weekly personal scale per service. Non-titled musicians asked to play title positions will be paid applicable overscale. Musicians will be hired according to orchestration requirements of the music. Hiring shall be distributed equitably, although one titled player from each section, as needed, will be given right of first refusal. Any group hired under these guidelines will be referred to as

Members of the San Antonio Symphony. [NEW] Each musician shall be entitled to 8 personal services off. 8 weeks of paid leave may be taken by the primary care provider in the event of child birth or adoption. [NEW] Musicians suffering from work-related injuries may return to work on a reduced schedule of services to be determined through mutual agreement among musician, Employer, and Music Director.

Miscellaneous – [NEW] A supplemental payment of an additional 10% over personal scale per service shall be paid to any musician who agrees to perform in an ensemble of at least 13 but fewer than 20 players and an additional 20% for musicians who agree to perform in ensembles of at least 2 but fewer than 13 players. [NEW] Music Director may not initiate non-renewals, demotions, or dismissals in the first and last seasons with the San Antonio Symphony. [NEW] Language included requiring questions or situations not covered in the collective bargaining agreement will be negotiated by the parties until a mutually agreeable settlement is achieved. In the event of a financial emergency that necessitates suspension of the terms of the collective bargaining agreement the Employer, after consulting with the Union together with the Orchestra Committee, shall engage the services of an independent accountant to verify the emergency situation. [NEW] The terms of this agreement shall be renegotiated prior to the commencement of the following SASO season if, at the conclusion of any fiscal year the Society has received for that fiscal year donations to the Endowment fund of \$5 million or more, or unearned income in excess of \$5 million or more, for the purpose of restoring the musician' salaries and benefits (adjusted for inflation) conceded in the March, 1992 agreement.

The members of the San Antonio Symphony negotiating committee were Dan Zollars [Chair], Bruce Gifford, Jean Robinson, Eric Brahinsky, and Marilyn Rife. The members of the orchestra would like to thank the Local Trustee Ken Shirk and assistant Michael Muñiz. The members of the orchestra would also like to thank their negotiator, Liza Hirsch Du Brul.

San Diego Symphony

The members of the San Diego Symphony Orchestra ratified a new three-year contract on October 5, 1994.

Length of Season – [WAS 33 weeks]
 1994-95 36 weeks;
 1995-96 37 weeks;
 1996-97 38 weeks

continued on page 6

Settlements

continued from page 5

Wages [WERE \$690, excluding EMG (\$24,750 annually, including EMG)]
 1994-95 \$790 (\$30,060);
 1995-96 \$825 (\$32,190);
 1996-97 \$855 (\$34,200).

EMG [WAS \$60 per week] \$45 per week (all years)

Vacation [WAS 2 weeks (no rotated weeks)]
 1994-95 2 weeks (1 rotated [NEW]);
 1996-97 3 weeks (2 rotated).
 Musicians' sole choice in scheduling rotated weeks (limited only by numbers of musicians choosing same week).

Seniority [NEW] \$2 per year of service in 5-year increments after 5 years of service. First year of service counted is 1964-65, but otherwise uncapped. Effective first year. During first year only, seniority pay replaces individual overscale wages up to the amount of seniority pay due.

Pension [WAS 5.5% Employer contribution]
 1994-95 6.5%
 1995-96 7%
 1996-97 7.5%

Health Insurance – [WAS choice of Kaiser Permanente HMO/Health Net HMO/Dun & Bradstreet (Franklin Life) PPO (90% in network/70% out of network/\$15 in-network office visit/\$250 annual deductible); with Kaiser Permanente plan paid at 100% Employee/50% Dependent, and other plans paid at 150% times the cost of Kaiser Permanente coverage]

BECOMES choice of Kaiser Permanente HMO/Aetna HMO/Aetna PPO (90% in network/70% out of network/\$10 in-network office visit/\$100 annual deductible); HMO plans paid at 100% Employee/95% Dependent, PPO plan paid at 100% Employee/100% Dependent minus monthly Employee contribution of \$30-\$60 for dependent coverage; effective first year. Office visits: \$5 on Kaiser Permanente, \$10 on Aetna HMO, \$10 on Aetna PPO (in-network). Miscellaneous co-payments on other Aetna HMO and Aetna PPO (in-network) coverages.] Musicians contribute 5% of cost for dependent coverage on HMO plans, and between \$30 and \$60 monthly for dependent coverage on PPO plan (\$30 for child or children/\$45 for spouse/\$60 for spouse and child or children.)

Dental Insurance – [WAS 100% Employee only] 100% Employee/95% Dependent, effective first year.

Disability Insurance – [NEW] policy covers 2/3 salary after 180 day waiting period, with 2 year own occupation coverage. Effective first year.

Instrument Insurance – [WAS Employer paid cost of first \$2,430,000 of coverage] Employer pays 100% cost of coverage for instruments, bows and accessories used, effective first year.

Sick Leave [WAS 18 days per year, cumulative up to 40-60 days, depending on length of service] 20 days per year, fully cumulative, effective first year. Sick leave may now be transferred to provide extended benefits in the case of chronic, long-term or catastrophic illness or injury.

Travel Major improvements to all tour conditions. Runouts to new performing facility in Escondido may now be scheduled without travel time or per diem payments.

Per Diem [WAS \$6.00 breakfast/\$11.00 lunch/\$20.50 dinner]
 1994-95 \$10/\$15/\$24;
 1995-96 \$11/\$16.50/\$26;
 1996-97 \$12/\$18/\$28.

Auditions New taped screening procedure (noncompulsory) to be developed.

Working Conditions – Scheduling changes [WAS 14 days' notice] 1994-95 21 days; 1995-96 30 days. Thanksgiving week and New Year's Eve may now be scheduled but are optional services.

Miscellaneous – Employer contribution to FSA [NEW] BECOMES 1994-95 \$30 monthly; 1995-96 \$30 monthly; 1996-97 \$50 monthly.

Life Insurance – [NEW] \$50,000 per musician.

Contract provision allowing Employer to terminate contract on two weeks' notice in case of insolvency has been removed. Improvements in procedures for hiring of substitute and extra musicians. In grievances, arbitrator is now allowed to fashion economic penalties for consistent or willful violations. Music Director may not issue notices of non-reengagement or reseating during first or last year of his employment (WAS during first year only). Medical, dental, disability and life insurance are now paid during sabbaticals.

The members of the Negotiating Committee were Rebekah Campbell (co-chair), Richard Levine (co-chair), Arlen Fast, Jonathan Green and George Johnston. The negotiating committee would like to thank President Joe Pallazola, Secretary-Treasurer Edward Arias and the rest of the board of Local 325 for their ongoing support. Special recognition and thanks are due to our negotiator, Liza Hirsch Du Brul, without whose longstanding presence in our negotiations we would not have obtained the recovery and progress this contract represents.

Saint Louis Symphony

The members of the Saint Louis Symphony Orchestra ratified a new five-year agreement on September 1, 1994.

Length of Season – Remains 52 weeks for all years.

Wages [Were \$1,070/wk]
 1994-95 \$1,120/wk (\$58,240)
 1995-96 \$1,170/wk (\$60,840)
 1996-97 \$1,220/wk (\$63,440)
 1997-98 \$1,275/wk (\$66,300)
 1998-99 \$1,340/wk (\$69,680)

EMG None

Vacation 8 + 1 relief [no change]

Pension Becomes \$28,000 on September 5, 1994 for duration of contract. Minimum pension increases by same percentage. This is a defined benefit plan.

Seniority No change for 1994-95, \$2/yr of service in 5 yr increments, 20 yr cap (\$40)

1995-96/1996-97	1997-98/1998-99
\$15/\$30/\$45/\$60/\$75	\$15/\$30/\$45/\$80/\$100
(5/10/15/20/25yrs)	(5/10/15/20/25yrs)

Health Insurance – [Was PPO] Becomes HMO with musicians paying \$10/visit to doctor, \$7 per prescription, no cap on benefits, first dollar coverage for most in-network services. Management pays premiums. Out-of-network area accident or hospitalization paid same as in network. [NEW] Payment equivalent to spousal coverage to domestic partners (state law prohibits inclusion of domestic partner in plan).

Dental Insurance – [Was Blue Cross/Blue Shield] Becomes Delta. CIGNA dental HMO also offered. Major dental coverage is still being discussed.

Travel Several small changes in travel rules. Management needed more flexibility which was granted in exchange for more days off before and after tours and one more bus to ease crowded conditions. Travel committee now has instructions to grant variances when it will be of benefit to both sides.

Per Diem [was \$45]
 1994-95 \$48
 1995-96 \$49
 1996-97 \$52
 1997-98 \$53
 1998-99 \$54

continued on page 7

Index to Senza Sordino, Volume 33

Volume 33, #1 November 1994

The 1994 ICSOM Conference
The Paradigm Chronicles: An Interview with Thomas Wolf
1994 Wage Chart
Heimberg's Handy Hints, Volume II
Obituary: Bernhard Goldschmidt
One to a Stand? - letter from San Francisco Symphony musician
1994 ICSOM Conference Proceedings
Newslets - ASOL officer on compensation and retention, DOS Orchestra on the Web, Alabama Symphony union officer moves to management

Volume 33, #2 February 1995

Save the NEA
1994-95 NEA Grants
Friends and Foes - quotes from NEA supporters and opponents
March to the Scaffold - NEA legislative timetable
To-Do List - how to save the NEA
The Los Angeles Arts Endowment - address by Los Angeles City Councilman Joel Wachs
Newslets - Louisville Orchestra musicians given a deadline to accept downsizing demands

Volume 33, #3 June 1995

Save the NEA II - John Sparks of the ASOL, Lew Waldeck of ICSOM, and Mark Tully Massagli of the AFM on the NEA
1994-95 Wage Chart
Letters - criticizing conductor recipe, on the frustrations of orchestra musicians, and on musician participation on orchestra boards
Newslets - ICSOM Governing Board meetings, upcoming conferences, lobbying for recording rights, ICSOM Internet services

ICSOM is compiling a directory of email addresses of orchestra musicians and related professionals and institutions. To have your address added to the list, send email to: directory@icsom.org.

Volume 33, #4 August 1995

Tip-toeing through the TNT: The Duty of Fair Representation
Rehearsal Police
AFM Does Vegas - the 1995 AFM Convention
Orchs Psychology - Syracuse Symphony musicians work with sports psychologist
Newslets - Buffalo Philharmonic cancels summer season

Volume 33, #5&6 September 1995

Bassoonists Invade Vail - 1995 ICSOM Conference
1994-95 ICSOM Orchestra Settlements
Erratica - various corrections
Index to Volume 33
Newslets - Symphony Orchestra Institute Founded, Chicago Symphony musicians to play for locked-out Staley workers.

Settlements

continued from page 6

Miscellaneous - [Community Partnership Program] Two weeks shall be designated at the beginning of each season as CPP weeks. Musicians wishing to participate may schedule 15 or 16 services of various activities such as chamber music recitals, schools or church appearances, teaching and coaching etc. during other weeks. Musicians not wishing to participate may have rotating vacation scheduled during these weeks.

The members of the Negotiating Committee were Jake Berg and Jim Wehrman [Co-Chairs], Roger Kaza, Rich O'Donnell and Bob Silverman. The members of the orchestra would like to thank our attorney, Charles Werner, for his wise counsel and guidance. A special thanks goes to the officers, President Dick Renna, Vice-president Brad Buckley, Secretary/Treasurer Chris Durham, and the Board of Local 2-197 who helped in so many ways to make these negotiations successful.

(Thanks to ICSOM Secretary Lucinda-Lewis for her assistance in compiling this list)

Erratica

The drawing of the music stand that appeared in Volume 33 #2 was by Martha Arons and John Rautenberg of the Cleveland Orchestra.

The drawing of the harpie in the same issue was from "Symphoniphobias" by Glen Morley, and was used by permission of Morris Secon, emeritus member of the Rochester Philharmonic.

Senza Sordino regrets these omissions.

Newslets

Thirteen members of the **Chicago Symphony Orchestra**, performing as the Solidarity Chamber Players, will play a benefit concert for locked-out A.E. Staley workers on October 1. The concert, which will be held at North Park College in Chicago, is sponsored by the Staley Workers Solidarity Committee. The program will include the Mendelssohn Octet and the Beethoven quartet in F minor, Op. 95. All proceeds of the concert will go to UPIU Local 7837, which represents the locked-out workers.

Last season, CSO musicians also distributed leaflets in support of the Staley workers before a runout concert in Decatur, Illinois, where the A. E. Staley Company is based. Staley, which is owned by British multinational Tate & Lyle, locked out members of UPIU Local 7837 two years ago in what has become one of the longest labor disputes in recent American history.



A foundation to address the organizational issues within North American symphony orchestra organizations, the **Symphony Orchestra Institute**, has been established by Paul R. Judy, former president of the Chicago Symphony Orchestra and retired investment banking executive.

“Despite great artistry and broad enthusiasm among musicians, staff, and volunteers involved in our wonderful North American symphony orchestra organizations, there are, in many communi-

ties, deep concerns about the future of these institutions,” Mr. Judy said. “It is my goal, in establishing the Symphony Orchestra Institute, to help participants better understand the complex issues within these organizations, and over time to bring about positive change in the way they operate.”

The mission of the Institute, according to Mr. Judy, is to “improve the effectiveness of symphony orchestra organizations, to enhance the value they provide to their communities, and to help assure the preservation of such organizations as unique and valuable cultural institutions.”

The General Advisory Board of the Institute will include Richard L. Thomas, former chairman of the Chicago Symphony, Ward Smith, president of the Cleveland Orchestra, Frederick Zenone, a member of the National Symphony and ICSOM chairman emeritus, and Richard Hackman, Cahners-Rabb Professor of Social and Organizational Psychology at Harvard University. Hackman will also chair the Research Advisory Committee, which will include Paul DiMaggio, Professor of Sociology at Princeton University, Stephen Stamas, chairman of the New York Philharmonic, and William Moyer, former personnel manager of the Boston Symphony.

Judy said that the Institute plans to work with the American Symphony Orchestra League, ICSOM, and the other player conferences within the AFM. He has recently interviewed over 100 persons involved with orchestras, including several ICSOM officers.

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