

SYMPOSIUM OF SYMPHONY ORCHESTRA DELEGATES

Roosevelt University

May 12 and 13, 1962

The first session of the Symposium was called to order at 10:13 A.M. by acting chairman Joseph Golan, of the Chicago Symphony Orchestra Committee. Roll call of the delegates present was taken. Orchestras represented were:

Boston	Indianapolis	Philadelphia
Chicago	Los Angeles	Pittsburgh
Cincinnati	Metropolitan Opera	and
Cleveland	N. Y. Philharmonic	Toronto

Nominations and election of a chairman and secretary for the Symposium were held. It was decided by unanimous vote that Joseph Golan (Chicago) be the chairman and Wayne Barrington (Chicago) be the secretary. After some discussion, the agenda for the Symposium was agreed upon as follows:

1. Establishment of a Federation-wide Symphony Newsletter.
2. Establishment of a Symphony Orchestra Department within the Federation.
3. Discussion of labor-relation problems.
  - A. Recording and TV.
  - B. Touring conditions.
  - C. Personal contracts.
  - D. Industry-wide pension fund.
  - E. Probation and Tenure, and Audition procedures.
4. A resolution of opinion on Secretary Goldberg's award regarding the Metropolitan Opera dispute.
5. Revision of Article 22 of the Federation Bylaws.
6. Resolution of opinion concerning the Cleveland Orchestra litigation.
7. Public relations and press release.
8. Unemployment compensation.
9. Recognition by the Federation of orchestra committee bylaws.
10. Unification of the duties of orchestra committees.
11. Establishment of ratification rights for symphony orchestras.

There was general discussion on the following subjects:

1. Whether or not to issue a press release.
2. Voting by referendum by the various orchestras on matters considered by this Symposium.
3. Federation attention to subsidy.
4. The Cleveland Orchestra situation in the matter of ratification.
5. Attorneys retained by orchestra committees.

A poll was made of the attending delegates on two questions:

1. What orchestras retained lawyers?, and
2. Were these attorneys admitted to negotiation sessions?

The results were as follows:

Boston - The players financed their own attorney. The lawyer met first with the orchestra men, after which he and the Local President and some of the committee members negotiated with the management. The orchestra committee's contract with the attorney prohibits him from meeting alone with either management or the Local without first notifying the Orchestra Committee.

Chicago - The players retained an attorney who was not permitted by the Local to sit in on negotiations. The Local grants permission to four orchestra committee men to attend negotiations (2 observe, 2 participate).

Cincinnati - No lawyer; Local negotiates; Committee Chairman observes.

Cleveland - Has lawyer who does not participate.

Indianapolis - Local President is a member of the orchestra. This arrangement has proven satisfactory. (It was pointed out by one delegate that some bylaws prohibit officers of a Local from being on a committee or even further, in some instances, from playing at all.)

Los Angeles - Local and Local's attorney only but they find the arrangement satisfactory.

Metropolitan Opera - An effort was made to include an attorney in negotiations but was unsuccessful. However, some informal consultation was held with attorneys.

N. Y. Philharmonic - Consulted with an attorney on an informal basis only.

Philadelphia - A resolution was passed in the Local permitting an attorney to participate in negotiations. An attorney was present in the past negotiation; however, the Local objected to the legality of the resolution. The objection was subsequently upheld by the Federation. The attorney is not now allowed in negotiations.

Pittsburgh - No attorney; no participation (by orchestra men).

Toronto - No attorney.

There was further exploratory discussion of various problems confronting symphony orchestras.

It was moved by Mr. Denov (Chicago) and seconded that, in view of the fact that some orchestras such as Chicago and Philadelphia had several representatives present at this Symposium, each orchestra represented, nevertheless, have but one vote. It was informally agreed that Cincinnati be limited to one vote in spite of the fact that a portion of their orchestra constitutes an opera orchestra in an off season part of the year.

It was then moved and seconded to amend the motion to include that the yeas and nays of all votes be recorded. The amendment was carried unanimously (11-0). The motion was carried unanimously. The voting delegates for each orchestra were:

Boston	G. Zazofsky
Chicago	J. Golan
Cincinnati	H. Shaw
Cleveland	G. Raffaelli
Indianapolis	J. Kitts
Los Angeles	V. Beach
Metropolitan Opera	J. Rubenstein
N. Y. Philharmonic	B. Bial
Philadelphia	L. Hale
Pittsburgh	C. Hois
Toronto	R. Cox

A committee (delegates from Chicago, Indianapolis and Philadelphia) was appointed to draft plans for the establishment of a Federation-wide Symphony Newsletter.

The meeting was adjourned at 12:40 P.M.

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The afternoon session of the S.O.S. was called to order at 1:30 P.M. and the Symphony Newsletter Draft Committee made its report; it read as follows:

"This Committee believes that there is a need for a Federation-wide news medium specifically for symphony orchestras and that such a communication medium would serve a useful and constructive purpose; therefore, we recommend that there be established a newsletter to be known as THE AMERICAN SYMPHONY ORCHESTRA NEWSLETTER.

- A. Publication should be monthly, September through May.
- B. One issue during each of the three months of June, July and August.
- C. Administration and publication should be by one of the orchestras participating in the annual Symposium.
  1. Initially by the Chicago Symphony Orchestra.
  2. Succession to be determined at the annual Symposium.
  3. The Editorial staff, to be determined by the administering orchestra, should be responsible for assembling and minor editing.
- D. The content should be anything news-worthy to the symphonic profession, such as:

1. Negotiations.
  2. Labor relations.
  3. Major social items of pertinent interest.
  4. Other pertinent general information.
- E. The date for the first edition should be September 15, 1962.
1. Three-thousand issues be printed and sent to the 26 major orchestras.
  2. Responsibility for individual subscriptions and their distribution should be handled by the respective subscribing orchestra (each orchestra receiving its edition by package mailing.)
  3. The cost of the initial edition should be borne by those orchestras presently participating in this Symposium.
- F. Prior to the first edition, the Chicago Symphony Newsletter should report on this meeting of orchestras and the prospective new "American Symphony Orchestra Newsletter".
- G. A study should be made of ways whereby those orchestras other than the "26" may be informed of the existence of a symphony newsletter.
- H. It should be the responsibility of each orchestra's committee:
1. To determine its own contributing editors,
  2. To be the spokesman for its orchestra in policy-making matters concerning the newsletter, and
  3. To determine the number of subscriptions to be purchased for its respective orchestras.

It was then moved by Toronto and seconded to adopt the report by the Newsletter Committee. Objections were raised about the use of the designation "American" in the name of the Newsletter. The motion was then rephrased to include the provision that the Newsletter Committee remain active for the purpose of further study of the name. The motion carried unanimously.

It was moved by Indianapolis and seconded that an annual meeting of symphony orchestra representatives be established. It was moved by Los Angeles and seconded, to amend the motion to read that the Symposium conference call upon the Federation to hold an annual Symphony Orchestra Symposium. It was then moved by Chicago and seconded that the amendment be amended to read that the Symposium conference put the establishment of an annual conference of symphony orchestra representatives into a resolution to be brought to the Federation convention floor by delegates from one or more of the Locals of which today's representatives are members. It was pointed out that such a resolution is already in a Federation Committee pending action. The first and second amendment were defeated. The main motion carried 10-1, Los Angeles voted negative.

A Chicago delegate read the following Resolution that would authorize the establishment of a Symphony Department within the Federation:

"Whereas: we have witnessed a number of labor disputes in the last year by members of the American Federation of Musicians seeking to secure decent

wages and working conditions in the operatic and symphonic field, and since none of these disputes received the direct support of the Federation in any manner whatever, and

Whereas: The musicians of one of the most outstanding symphony orchestras in the world have been forced to seek relief in the Federal Courts from the arbitrary and capricious denial by its Local union officers of the most minimal right to ratify the terms and conditions under which these musicians would render services to their employer, and

Whereas: The members of the American Federation of Musicians regularly employed by permanently established professional symphony orchestras in the United States and Canada find themselves in a position in which they do not have a collective voice and in many instances are not adequately represented by their Local union officers for the purposes of collective bargaining, due to the structure of the Federation, and

Whereas: Said symphony musicians do not, under the auspices of the Federation, have the opportunity to have their representatives regularly meet for the purpose of seeking ways and means by which the myriad problems that confront symphony musicians may be resolved, and

Whereas: The promotion of the Federation's policy of union democracy, and its responsibility to foster effective collective bargaining representation for its members, dictate the necessity to re-orient and modernize the policies and structure of the Federation with respect to such symphony musicians,

Therefore, Be It Resolved: That this convention of the American Federation of Musicians authorize and instruct the International President, at the earliest possible date, to convene, and preside over, a conference of symphony orchestra representatives, which have been elected by the musicians of their respective orchestras, for the purpose of drafting legislation which, upon adoption by a subsequent convention, will

- (1) establish a Symphonic Department within the Federation to coordinate the activities of symphony opera and ballet musicians,
- (2) grant the employees of each qualifying symphony, opera or ballet orchestra the right to organize themselves into affiliated autonomous bodies, to elect their own officers and to conduct their own affairs, subject to the proposed amended Bylaws of the Federation, and
- (3) grant the right to ratify, by secret ballot, the terms and conditions of their respective collective bargaining agreements, to all the employees in each appropriate bargaining unit within the jurisdiction of such symphonic opera or ballet affiliated bodies and/or the Federation; and

Be It Further Resolved: That the President of the American Federation of Musicians be authorized to submit for adoption the proposed legislation, drafted by the aforementioned conference of symphony opera or ballet orchestras representatives, to the next ensuing convention.

It was moved by Indianapolis and seconded that each orchestra delegate take a copy of this Resolution back to his respective orchestra for ratification with the recommendation that the orchestra request its Local's convention delegate to introduce the Resolution to the convention floor.

It was moved by Toronto and seconded amending the motion that the Resolution be first separated into three separate Resolutions; i.e., items 1, 2, and 3 constitute the three parts. It was moved by the Metropolitan delegate to amend Item No. 2 of the Resolution so that it would read as follows:

"(2) grant the employees of each symphony or opera orchestra the right to organize an orchestra committee, to elect their own officers and to conduct their own affairs, subject to the proposed amended Bylaws of the Federation, and";

amend Item No. 3 by striking the words "affiliated bodies" and substituting the words "orchestra committees".

The second amendment carried 10-0; Los Angeles abstained.

The first amendment carried unanimously. The main motion carried 10-0 Los Angeles abstained.

There was discussion on the subject of a strike fund for symphony orchestras. Los Angeles read a draft of a resolution establishing a strike fund for symphony orchestras.

A Chicago delegate read Article 5, Section 9 of the International Bylaws regarding strike funds. There was discussion concerning the loss of recording by the Metropolitan Opera. Article 24, Section 6A of the International Bylaws concerning this subject was read. There was discussion about the need for Federation restrictions on conductors who violate this section.

Chairman Golan had to leave and attend to other business at this time so turned the chair over to George Zazofsky of Boston. There was a ten minute intermission and the meeting resumed at 4:58 P.M. with Mr. Zazofsky presiding.

It was moved by Chicago and seconded that the Chairman appoint a committee of three to draft a resolution having for its purpose the amendment of the Federation Bylaws to limit the "runaway shop" situation of conductors in recording.

Discussion brought out the potential in income available from TV and particularly pay-TV as it will possibly pertain to symphony and opera orchestras.

It was moved to amend the motion by Philadelphia and seconded that the committee be empowered to study the entire field of electronic exploitation of music and that this committee be instructed to make its report to the next symposium conference.

It was moved by Cleveland and seconded to amend that the committee of three be enlarged to four to consist of members of Boston, the Metropolitan Opera, New York Philharmonic and Philadelphia. Both amendments and the main motion carried ten affirmative; Toronto abstained from all three votes.

The discussion turned to touring conditions. After discussion it was moved by Chicago and seconded that the Chairman appoint a committee to study the possibility of unifying tour conditions.

It was moved by Toronto and seconded to amend the motion to include instructions for the committee to collect excerpts of all orchestra contracts dealing with tour conditions. The amendment and main motion both carried unanimously.

The discussion turned next to personal contracts. The Boston delegate stated that about 80% of their orchestra is being paid over-scale. There was discussion on the value of tenure-increase provisions. Reference was made to the federal law which obligates all unions to bargain for every individual employee.

A motion by Chicago was made and seconded that a resolution be drawn-up having for its purpose the amendment of the Federation Bylaws in Article 24 so as to limit the variables of individual contracts to wage, instrument and chair; and requiring that they be subordinate to a collective bargaining agreement; and, also, that this resolution be brought to the convention floor.

A sample personal contract was presented by Chicago as follows:

MUSICIAN'S CONTRACT

\_\_\_\_\_ 19 \_\_\_\_\_

Mr. \_\_\_\_\_

"You are hereby offered a position in the \_\_\_\_\_ Symphony Orchestra as (instrument) on \_\_\_\_\_ chair for the sum of \$ \_\_\_\_\_ per week. It is understood and agreed that this Contract shall be subject to and is hereby made a part of the Collective Bargaining Agreement now existing and any amendments that may be made thereto between (Orchestra management) and Local # \_\_\_\_\_ A.F. of M."

\_\_\_\_\_  
(Orchestra representative)

Accepted: (Musician)

It was moved by Philadelphia and seconded to refer the subject of personal contracts to a personal contract committee to be appointed by the chair. It carried unanimously.

The meeting was adjourned at 5:00 P.M.

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The evening session of the S.O.S. was called to order at 8:30 P.M., George Zazofsky acting Chairman.

The first topic of discussion was an industry-wide pension plan. It was argued that a pension should be paid entirely by the employer.

The discussion turned to the Federation pension plan now existing, which drew generally favorable comment. It was moved by Chicago and seconded that this Symposium go on record as recommending that all orchestras make efforts through negotiation to gain participation of the orchestra managements in the Federation pension plan. Mr. Cox (Toronto) volunteered to take the responsibility of obtaining and distributing copies of the explanatory booklet of the

Federation pension plan. The motion carried 10-0; Philadelphia was absent while playing a concert in Orchestra Hall.

The discussion turned next to probation and tenure, and audition and dismissal procedures. A delegate from the New York Philharmonic detailed some of the problems they have had with their probation provision. A poll was then taken of those orchestras present who have a probation clause: Boston - yes; Chicago - no; Cincinnati - yes; Cleveland - yes; Indianapolis - yes; and Toronto - yes; Los Angeles - no; Metropolitan Opera - no; Philadelphia - yes; Pittsburgh - yes.

It was moved and seconded that a committee be appointed by the Chairman to study probation and tenure; audition and dismissal procedures; renewal procedures for personal contracts; and seating arrangement clauses and procedures; and that this committee be instructed to make its report at the next meeting of the Symphony Orchestra Symposium. The motion was carried 10-0; Philadelphia absent.

Meeting was adjourned at 10:50 P.M.

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The next session of the Symphony Orchestra Symposium was called to order at 10:30 A.M. on Sunday, May 13th, Joseph Golan presiding.

A new delegate from the St. Louis Symphony Orchestra, Joe Gluck, was welcomed.

A roll-call was taken; the following orchestras were present:

Boston, Chicago, Cincinnati, Cleveland, Indianapolis, Los Angeles, Metropolitan Opera, New York Philharmonic, Philadelphia, Pittsburgh, St. Louis, and Toronto.

Cleveland requested that the agenda item concerning an opinion of the Symposium on their situation be taken up now inasmuch as they would have to leave early. Before going to that subject, there was discussion as to when and where to hold the next meeting of the Symphony Orchestra Symposium.

It was moved by Toronto and seconded that the next meeting of the S.O.S. be held sometime between September 4-9, 1962, with the specific date to be decided by the host orchestra. Cleveland volunteered to be host for the next symposium. It was moved by Boston and seconded that we accept Cleveland's offer. The motion was passed unanimously.

The orchestra-union litigation in Cleveland was then discussed. The delegate from Cleveland gave a complete resume of their entire situation. All charges against the men have been dismissed except one; the union charging the men with violation of Article 13, Section 1 of the Federation Bylaws.

It was moved by Toronto and seconded that the Chairman appoint a committee, including the delegate from Cleveland, to immediately draft a resolution of opinion regarding the Cleveland litigation and the orchestra's rights of ratification. After considerable discussion, the main motion was voted upon and carried 11-0; New York abstaining.

The committee chosen to draft a statement of opinion on the Cleveland situation included Grossman, Nashan, Raffaelli, Rhodes and Wigler.

While the committee went out to make its draft there was a statement from the Metropolitan Opera about their arbitration award. There was general agreement that this award is a disastrous thing for future symphony orchestra negotiations.

After considerable discussion, the Metropolitan Opera delegates read the statement which was sent to the New York Times regarding Secretary Goldberg's arbitration award and Mr. Kheel's award regarding Lester Salomon.

It was moved by Los Angeles and seconded that this Symposium endorse the statement by the Metropolitan Opera to the New York Times.

It was moved by Boston and seconded that the endorsement be amended to include that this Symposium disputes the finding of Theodore Kheel and his award for Mr. Salomon, on the grounds that it was unjust.

It was moved by Indianapolis and seconded that this be referred to a committee which would write a statement on this subject. This was carried 10-0; Cleveland absent while writing their resolution; New York abstained. At this point a new delegate from Philadelphia, Alan Iglitzin, represented that orchestra.

The committee for drafting an opinion on the subject of the Cleveland litigation returned. Two statements were read; the first as follows:

"Whereas: this Symphony Orchestra Symposium is agreed that it wholeheartedly supports the Cleveland Orchestra members in their efforts to gain ratification and,

Whereas: the cost for such efforts are substantial, therefore, be it

Resolved: that we solicit another collection of voluntary contributions from the members of the various respective orchestras represented in this Symposium to help alleviate the burden of expense incurred by the Cleveland Orchestra members."

It was moved by Boston and seconded to adopt the Resolution. It was carried 9-0; Pittsburgh and New York now absent; Los Angeles abstained.

The second statement was in the form of a letter addressed to President Kenin. The committee explained that it would need more time to properly complete it.

It was moved by Toronto and seconded that this letter of opinion to the President, when completed, be taken by each delegate to his respective orchestra in order that the members might ratify it, after which, the letters be sent to President Kenin with each letter including as many signatures of orchestra members as were sympathetic. The motion was carried 10-0; New York and Pittsburgh absent.

The morning session was adjourned at 12:50 P.M.

The afternoon session of the Symphony Orchestra Symposium convened at 2:00 P.M., Joseph Golan presiding; Sam Denov, acting secretary.

It was moved by Toronto and seconded that nominations be opened for a Chairman, Vice-chairman, and Secretary-Treasurer to serve during the interim period till the next Symposium. The motion carried 8-0; two abstained.

It was moved by Indianapolis and seconded that all the above officers be from Chicago and designated by the Chicago Orchestra Committee; and that they serve till the next Symposium. The motion carried 8-2.

The Chairman appointed Mr. Zazofsky to prepare a statement on Secretary Goldberg's award regarding the Metropolitan Opera. Mr. Zazofsky asked for a week for this task. It was moved by Toronto and seconded that Mr. Zazofsky's request be granted. Motion was carried unanimously.

At this point, Mr. Lee Leibik, an attorney retained by the Chicago Symphony Orchestra Members' Committee, was introduced. He answered numerous questions of legality pertaining to the subjects on the Symposium agenda.

After the question period with Mr. Leibik, the remaining items on the agenda were discussed with no action being taken.

The Symposium of Symphony Orchestra Delegates was adjourned at 5:00 P.M.

Wayne Barrington  
Secretary

Dear Mr. Kenin, Sir and Brother:

The following resolution was approved by a body of elected representatives of symphony orchestras at a meeting held in Chicago May 12, 1962. This was subsequently approved by the respective orchestra memberships.

(1) We strongly protest the arbitrary cancellation of the symphony symposium because of the legal fight of the Cleveland Orchestra to secure ratification. In so doing this the International Executive Board is tacitly supporting the Cleveland Local No. 4 Executive Board in this dispute by suppressing an expression of opinion by the symphony orchestra members of the country.

(2) We endorse, once again, (a) the basic trade union principle of central ratification, and (b) the legal, democratic prerogative of permitting union members to collect monies among themselves, a right further denied the members of the Cleveland Orchestra by its Local Executive Board. Such a denial has forced the Cleveland Orchestra membership to seek a nullification of this policy in court.

(3) Further, we object to the punitive action taken by the Cleveland Local 4 Executive Board on September 20, 1961 in filing charges against 16 members of the Cleveland Orchestra. These charges jeopardize - by threat of expulsion from the union - the sole means of livelihood for these members. We believe these charges to have been filed in an attempt to suppress a legal right to contest in the courts a union policy believed by the orchestra members to be unlawful and to punish these members elected by the membership to carry out this legal action. Such retaliatory measures seem to us to be designed to coerce and intimidate the elected representatives of all our symphony orchestras.