

## OFFICIAL MINUTES

### ICSOM Conference

August 28-31, 1972, Montreal, Quebec, Canada

#### First Session - 2:00 P.M., August 28, 1972

ICSOM Chairman Ralph Mendelson called the meeting to order. ICSOM Secretary Robert Maisel called the roll of the member orchestras. Those orchestras represented were, by region, as follows:

Western -- Denver, Los Angeles, Oregon, San Francisco, and Seattle

Southern - Atlanta, Dallas, Houston, New Orleans, and St. Louis

Central -- Chicago Lyric, Chicago, Cincinnati, Cleveland, Minnesota, and Pittsburgh

Eastern -- Baltimore, Boston, Metropolitan Opera, New York City Opera, New York, Philadelphia, Rochester, Syracuse, and Washington National

Canadian - Montreal, Vancouver, and Winnipeg

Absent orchestras were Honolulu, Kansas City, North Carolina, Indianapolis, Milwaukee, Buffalo, New Haven, New York City Ballet.

The Chairman introduced the Canadian Regional Vice-Chairman and Montreal delegate, Robert Ryker, who welcomed the delegates to Montreal and announced that the evening dinner was being sponsored by the Musicians' Guild of Montreal and that the Director of the Canadian Council for the Arts, Mr. Andre Fortier, would be the guest speaker.

The Chairman then introduced Stanley Ballard, Secretary-Treasurer of the AFM, who was acting as President Davis' representative, and Ted Dreher, head of the AFM Symphony Department. He announced that Ken Farmer, President of Local 2-197 AFM, St. Louis, would be attending.

Gordon Marsh, President, Musicians' Guild of Montreal, welcomed the delegates to Montreal.

The Chairman introduced the ICSOM Executive Committee: Chairman Ralph Mendelson, Vice-Chairman David Smiley, Secretary Robert Maisel, Treasurer Harry Barnoff, Editor Senza Sordino

Vance Beach, and Regional Vice-Chairmen James Weaver, Crawford Best, Henry Shaw, Irving Segall, and Robert Ryker. He also introduced legal counsels Philip Sipser and Leonard Liebowitz.

There was a motion to approve the 1971 minutes as submitted by the Secretary. The motion passed and the minutes were approved.

The Secretary submitted the application for membership in ICSOM of the North Carolina Symphony Orchestra. The application was tabled pending the arrival of a representative of that orchestra.

The Chairman gave his report, beginning with a resume of the labor disputes in Baltimore, Indianapolis, Dallas, Rochester, and Cincinnati. Strike benefits were extended to Baltimore, Indianapolis, Cincinnati, and Dallas. The Strike Fund trustees have enjoyed a very good working relationship.

The next item in the report was the continuing problem of leadership responsibility in the orchestras toward maintaining communication with ICSOM, following through (or notification to the Secretary that no follow-through is being contemplated) on ICSOM programs, and keeping ICSOM dues payments up to date.

Conference calls, secretarial costs, and communication with legal counsel were reported. No unilateral action was taken, and communication was excellent.

The ICSOM Directory was finally compiled, but the problems in getting it out re-emphasized a previous point. The total cost was around \$800.00.

The meeting with the Federation concerning the recording industry on December 9 was reported on: After the formal meeting with AFM/ICSOM representatives and orchestra managers, ICSOM representatives discussed financing by the Federation of various programs adopted in Seattle. President Davis questioned most of these programs, for example, financing Senza and the speakers' bureau.

The difficulties between ICSOM and the Federation concerning the application for exemption of symphony musicians from the Wage Stabilization Board was reported on: ICSOM counsel had prepared an application which ICSOM wanted to discuss with the Federation and have submitted either by ICSOM with Federation approval or by the Federation or by both the Federation and ICSOM, but, in any event, ICSOM wanted immediate action on this matter,

since it was one of vital concern to all orchestras, especially those in negotiations or those having concluded agreements. AFM President Davis accepted the application on March 20, saying that the Federation was also working on an application and hoped to submit it shortly. To this day, the Chairman has not seen the application which was submitted. A month later, the request was denied.

At a later meeting between ICSOM and the Federation, President Davis said that an appeal had been filed the previous day; it also was denied. President Davis has refused to show ICSOM a copy of the application, the finding of the Wage Board, the appeal, that finding, and has not indicated whether or not court action is being contemplated. The reason given was that the Federation did not want to hand out these documents piecemeal, that they would be published in International Musician.

The current status of the Partnership for the Arts was mentioned: There was little concern that appropriations for the arts would go through easily this year, but they are starting a drive for a new bill which aims for three years of appropriations going up to 200 million the third year. The orchestras, locals, and management should work together on this drive.

The members of the Executive Committee and counsel were thanked for their cooperation.

The Vice-Chairman, Dave Smiley, gave his report, beginning with comments concerning lack of communication, especially in connection with conductor evaluations, stressing the importance of this program. The paper on symphony musicians, to be distributed to various conservatories and universities, was not done because it was contingent upon financial support from the Federation, which was not given. The relationship between San Francisco and its Local was mentioned, i.e., a confrontation which resulted in a beautiful relationship, pointing out that the same thing can be accomplished with the AFM at its conventions if ICSOM's forces are properly mobilized, i.e., by instructing their delegates.

He concluded his report by emphasizing communication as the most effective tool.

Secretary Robert Maisel gave his report, remarking upon the arduous task of having made verbatim transcripts of Phil Sipser's talks on negotiation techniques and the wage freeze. The fact that the ICSOM delegate is responsible for communication until the next Conference was reiterated. An alternate contact was proposed. The delegates were asked to cooperate more fully with

Ted Dreher in his preparation of the Orchestra Chart. The delegates were told that a list of delegates and guests would be disseminated the following day if possible. Those people taping the Conference were enjoined to keep the tapes confidential, since it was a closed Conference.

Mendelson's previous remarks concerning ICSOM's difficulties with AFM President Davis were seconded. Also AFM Counsel Henry Kaiser's unnecessarily abrasive attitude toward ICSOM was criticized. In fact, the attitude of the Federation this last year was declared to be outrageous. This was in marked contrast to the relationship enjoyed by the Strike Fund trustees; the relationship was quite harmonious and should extend into some other areas, but attempts to have more meaningful communication will be continued.

Ted Dreher, Assistant to President Davis, Symphony Department, asked that the delegates correct any mistakes in the '71-'72 Chart.

The Chairman echoed the Secretary's remarks concerning the fine relationship with Ted Dreher and also complimented Bob Crothers, AFM Recordings Department head.

The Treasurer, Harry Barnoff, gave his report. (Since a copy of this report was given to each delegate at the time of the Conference, it will not be included here.) It was moved and seconded and passed to approve the Treasurer's report.

The Budget Committee -- Harry Barnoff, Robert Ryker, and Mori Simon -- recommended the following items. (Recommendations appended.)

The Chairman discussed the latest recording agreement, specifically the problem of recording small ensemble music, and invited comments.

The Editor of Senza Sordino, Vance Beach, gave his report, starting with a financial report based on a budget of \$2500 for six issues, the printing cost being \$2155; postage \$385, telephone \$137; supplies, publications, out-of-pocket expense \$118, a total of \$2796.

On the plus side, Senza started with \$313, took in \$217 from subscriptions, and the Treasurer sent \$2500, so \$3030 was received and Senza ended the year with \$234. Last year \$3000 had to be taken out of the treasury; this year not as much was needed, although printing and postage costs went up. The single page issues reduced expenses, as well as increased voluntary labor by the Editor. Lack of communication was still the biggest problem; i.e., not writing a report to Senza on negotiations. One suggestion was to start writing an article during negotiations and

finishing it immediately afterwards. Checking back issues of Senza articles on negotiation would be helpful in preparing a report. The San Francisco report was a good example. Also, someone in each orchestra has to be responsible for letting other orchestras know, through Senza, what's going on in his or her orchestra.

The Chairman complimented Editor Vance Beach on his good work. The delegates also applauded his efforts.

ICSOM Counsel Len Liebowitz gave a report on the involvement of Sipser's firm on behalf of ICSOM the past year: The Economic Stabilization Act kept Counsel busy. Contract negotiations were another big item. Aside from those in which there was direct involvement, several negotiation situations needed close attention: Indiana and Baltimore, for example. Other services included the monthly long-distance conference calls, the Pay Board application, the Phase 2 Memo, meetings with ICSOM sub-committee on recordings, revision of the ICSOM By-Laws, preparation of sample contract clauses, and a checklist of negotiation items, meetings with Atlanta, Buffalo, Cleveland, and New York City Opera on various problems.

Rochester had problems, and Sipser's firm filed an unfair labor charge with the New York State Labor Relations Board. This necessitated conferences with the Orchestra Committee, the Local, the Symphony Association, and the State Labor Board. The Association filed a petition with the NLRB, requesting that they take jurisdiction. The petition was dismissed, and the case remains with the State Labor Board.

ICSOM Counsel is also consulting with the Los Angeles negotiators as well as the attorney for the orchestra. Minnesota has a non-renewal problem which Counsel has been working with for almost a year. The National Symphony received help on some proposed resolutions concerning ratification, etc. The Portland Local asked for and received advice on some Pay Board questions. Seattle also got advice on Pay Board problems. Honolulu was also helped on this matter. The San Antonio situation had to be consummated. And, of course, Senza demanded consultation and advice. Finally, Counsel also was in almost constant communication with the ICSOM Chairman.

Vance Beach gave a report on the AFM Convention. President Davis commented on the recent contracts negotiated; the recording contract, for example, was a short-term contract because of the Wage Stabilization Act. He noted the increased activity in the recording industry and spoke on the partial success in stopping record piracy and said the Federation is continuing to support legislation to protect performers' rights. He urged all Locals to support the Partnership for the Arts and the National Arts En-

dowment. Joe DeVitt, President of the Rochester Local, presented a resolution asking the Convention to go on record as supporting its position. The Convention passed this resolution. Local 802, New York, asked the Federation to investigate audition procedures in symphony orchestras and to recommend fair procedures. That resolution was referred to the President. The basic preoccupation of the Convention was money, since the AFM is in financial difficulty; hence, four proposals were submitted. None were well received: (1) the per capita tax, (2) bi-annual convention, (3) 1% work tax from all Federation-negotiated contracts -- TV, recordings, movies, etc., (4) increase in Federation's share of initiation fees, which was the only proposal passed. This resolution is expected to increase the annual AFM income by \$250,000, which will keep it relatively solvent.

This report concluded with the observation that the hard work was done in advance by the committees and also that, given one thousand delegates, any efforts by an ICSOM observer at a convention to explain the role of ICSOM within the AFM would necessarily meet with limited success.

The Canadian Regional Vice-Chairman, Robert Ryker, gave a report on the Canadian Symposium. One preoccupation was the fact that a minority of musicians in Canadian orchestras are native-born, bred, and trained Canadians. Many are European; a vast majority are Americans; one aim, therefore, of the Symposium was to organize and cultivate a Canadian talent pool; also, work was done on standardizing contract clauses. In so far as the Symposium works on somewhat the same issues as does the ICSOM Canadian Region, some Canadian orchestras wonder why it is necessary to belong to ICSOM. Nationalism is also a factor. Another matter discussed was the fact that many Canadian managements look to Europe and Britain for musicians to fill vacancies rather than to Canadian talent. The projected talent pool will seek to rectify this situation. In conclusion, Gordon Marsh, Local President, was cited for his support of symphony musicians.

The Chairman announced that Gerald Cory, Chairman of the Recording Committee, had left the Baltimore orchestra for a position in Ottawa. He had sent his regrets at not being able to attend the Conference. However, he sent notes and material to the other members of the committee.

Therefore, John Palanchian gave a report on the Recording Committee. The meeting of ICSOM/AFM last December and the meeting the following day with ICSOM/AFM/orchestra managers were held to explore various approaches to the coming recording negotiations in March. The managers were chiefly interested in reducing rates

to make more recordings. ICSOM's position was made quite clear, i.e., without some sort of guarantee on the part of the industry that they would do more recording in the United States and Canada, ICSOM would not be prepared to discuss restructuring of scales and conditions. The AFM agreed with this position and supported it. Of course, as was expected, the industry didn't, thus the status quo in the present contract. The ICSOM/AFM discussions made it clear, however, that the AFM was not going to support ICSOM's suggestions concerning revision of tariff laws, "Buy American" campaign, etc. Also, although the AFM promised to get information on foreign rates, technical costs, etc., none has yet been given.

AFM President Davis' unhappiness over Mendelson's questionnaire on recording consumed a good part of the meeting. Also, as a result of the Seattle resolution on recording abroad without AFM permission, ICSOM supplied a partial list of the violators and was assured by President Davis and AFM Counsel Henry Kaiser that these individuals would be informed and that the practice would be stopped or at least controlled; as of this date, as far as ICSOM knows, the AFM has done nothing about this matter. Therefore, ICSOM should now implement the second part of the resolution, i.e., to prefer charges.

The participation by the ICSOM Recording Committee in the recording negotiations probably made the contract a little better than it might have been; it's short, expiring next July, with more negotiations in the spring. In Seattle, the Recording Committee felt that a threat from the AFM to prevent foreign recordings without specific written information would be a weapon in negotiations. However, because the AFM did not act on this matter, this weapon was not available. Therefore, it would be folly to go into the next negotiations without this weapon. This report concluded with the observation that the Recording Committee did not negotiate; it acted as observers and functioned during the caucuses. This participation was significant because of the guarantee issue and the fact that finally the AFM supported ICSOM's position.

The Chairman announced that this subject would be explored later on. He also asked that those delegates intending to invite ICSOM to their city make sure that proper facilities are available.

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Morning Session -- 10:00 A.M., August 29, 1972

The Chairman asked that the delegates proofread the '71-'72 Charts distributed by Ted Dreher. He also said that additional ICSOM directories were available and he wanted additions and cor-

rections for a supplement.

The Chairman asked permission to interrupt the agenda by going to IVc instead of IVa, i.e., the relationship with the AFM.

ICSOM Counsel Phil Sipser spoke on collective bargaining but especially about the relationship between ICSOM and the AFM. (These remarks were taped and distributed, upon request, to the orchestras and AFM representatives and will not, therefore, be reiterated in the minutes.)

Discussion followed on the points raised by Counsel. The Music Performance Trust Fund was given some scrutiny, and the delegates applauded a recommendation that the relationship between the MPTF and the AFM be studied.

Sam Denov, alternate Chicago delegate, asked that he be allowed to meet with the ICSOM Executive Committee concerning the MPTF and also that some time be set aside during the Conference for this matter.

It was suggested that Senza be used to educate the orchestra musicians as to what the problems are concerning the relationship between ICSOM and the AFM. It was also suggested that a petition to the AFM on this matter be drawn up and signed by all orchestra musicians in ICSOM and perhaps even asking the help of the Locals in presenting this petition.

The feasibility of either expanding Senza or putting out more issues as well as more ICSOM bulletins in order to educate the musicians was discussed, and it was felt that ICSOM could do this.

It was suggested that orchestras devote more time to meetings addressed to ICSOM policies, problems, and goals.

Mr. Sipser thought that ICSOM should take advantage of the fact that some Locals have expressed a desire to help ICSOM to have a better relationship with the AFM, i.e., act as ambassadors of good will. He also said that ICSOM and the AFM should meet on this matter. He endorsed the idea of having orchestra meetings devoted to this matter, especially on the Pay Board appeal. He urged that ICSOM, working with the Federation, appeal to the Emergency Court of Appeals. Also, there should be an orchestra meeting devoted to the proposed petition after it has been drafted. He endorsed the idea of devoting at least one issue of Senza to the ICSOM/AFM relationship problem. He suggested that if a bet-



ter relationship is not established by the proposed meetings with the Federation with perhaps also some Local officials acting as ambassadors of good will. then the ICSOM Executive Committee might have to call a special meeting of ICSOM and decide how to proceed.

He spoke on the National Labor Relations Board, pointing out that it has always had jurisdiction over symphony musicians, but has refused to exercise such jurisdiction. In his opinion, the closed shop would probably be illegal under the NLRA, but there has never been any challenge of this provision in orchestra contracts because the Board has refused to exercise jurisdiction. On August 22, the Board issued a notice requesting the views of people, agencies, and organizations involved with symphony orchestras as well as the general public to assist the Board in re-evaluating its position concerning symphony orchestras. Pertinent data and views were also requested. If the Board does decide to exercise jurisdiction, various criteria will be used: size of orchestra, tours, recording, geographic location, etc.

Sipser said that since the Federation's policy is against the Board exercising jurisdiction over symphony orchestras, there should be consultation with the Federation and ICSOM on this matter to decide how it should be handled. If the Board exercised jurisdiction, the two main aspects would be to be able to petition the Board to have a group as the bargaining agent and to be able to file unfair labor charges with the Board.

It was resolved unanimously that (1) orchestra meetings should take place to discuss the ICSOM/AFM relationship; (2) the ICSOM Executive Committee should prepare a petition on this matter, and (3) that the Editor of Senza Sordino devote at least his first issue to this matter and that ICSOM bulletins be sent out about this matter.

It was resolved that ICSOM ask the good offices of Mr. Ballard and Mr. Dreher and various presidents of AFM Locals to arrange a meeting at an appropriate time with the officers of the Federation to discuss the ICSOM/AFM relationship.

There was an amendment to hold this meeting within ninety days. The amendment was defeated.

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#### Afternoon Session -- 2:00 P.M., August 29, 1972

It was resolved unanimously that ICSOM authorize an appeal to the Emergency Court of Appeals on the adverse ruling of the Cost of Living Council in conjunction with the AFM.

Reports on negotiations was the next item on the agenda.

Metropolitan Opera Orchestra: Two things were helpful in the negotiations: (1) the history of a long and bitter lock-out which both sides wanted to avoid this time and (2) the presence of Mr. Gentile, the new manager, who was very good to negotiate with. As a result, the contract was signed one month before the expiration of the old one. The wage went up from \$325, first year, \$360, second year, and \$385, third year. Increases were also gained in rehearsal rates and per diem, as well as in other areas. The pension was made non-contributory with back payment of contributions. One major item obtained was a job security clause -- no dismissals for at least the next four years.

Pittsburgh: The wage and weeks went from \$255 and 49 weeks with 4 weeks paid vacation to \$270, 50 weeks and 5 weeks vacation, first year; \$285, 51 weeks and 6 weeks vacation, second year; \$305, 51 weeks and 6 weeks vacation, third year. The orchestra had wanted 52 weeks and 7 weeks paid vacation; management agreed if some 9-service weeks could be re-established. The orchestra, having fought very hard in the past to eliminate 9-service weeks, preferred the 51 and 6 rather than to have these weeks back in the contract, also realizing that 52 weeks and 6 paid vacation would be in the next contract without their having to work to remove the 9-service weeks.

A non-contributory pension was obtained. Also, an artistic advisory committee and a rotation committee were instituted. Major medical and insurance benefits were increased.

Detroit: There was a weekly increase of \$75, of which \$5.00 was added to the pension fund, over a 40-month period, bringing the minimum to \$305. A unique feature was that the increases were for six-month periods to enable management to find additional revenue. The season will be 49 weeks, 4 weeks vacation, first year; 50 weeks, 5 vacation, second year; and 51 weeks, 5 vacation, third year, plus numerous fringe benefits, including increased hospitalization due to the institution of open competitive bidding among insurance companies; a non-contributory pension plan was also attained with past contributions returned; however, some issues are still unresolved in this area before the plan can be submitted for IRS approval. The Local attorney, plus Sipser and Liebowitz and the co-operation of the Local helped immensely.

The Chairman emphasized the importance of having a labor actuary working in a jointly trustee pension plan, or, if management has its actuary, the orchestra must also have a labor actuary. These actuaries are paid by the Fund. He also stressed the importance of orchestra negotiation teams' preparing welfare plans well in advance of negotiations and cited this factor as being chiefly responsible for Chicago's success in this area.

He also pointed out that fantastic benefits and savings in medical, life insurance, instrument insurance, pension, etc., could be realized if all of these items would be bought under one "blanket" by all the orchestras. Perhaps this could eventually be worked out.

Seattle: The new one-year contract stayed at 34 weeks with an increase from \$188.25 to \$200. A lump sum of \$150 was given to each musician to assist in paying for private medical and instrument insurance. A new audition procedure, similar to San Francisco's, was adopted. Orchestra-splitting was allowed, which made an Alaskan tour possible. The splitting is supervised by an Operation and Development Committee, which consists of five orchestra and three management representatives.

New Orleans: A one-year contract was signed with a one-week increase -- 37 to 38, a 5.5% raise bringing the scale up to \$206. Since previous increases had been substantial, the orchestra didn't press too hard for dramatic increases in the last contract. Also, improved working conditions were deemed more important and they were largely achieved. New items include a rotation plan, an advisory committee, new audition procedures, a minimum guest-conductors clause (only one last year was deemed insufficient), a full-time, non-participating librarian.

Dallas: Negotiations were peaceful -- in marked contrast to the previous negotiations. The contract is three years: \$225, 40 weeks (from \$210 and 35 weeks); all money issues are open for negotiation the second and third years, and the situation looks promising because of the Board's new policy of dedicating itself to building the orchestra and raising a great deal of money. A pension plan was inaugurated, severance pay was doubled, each back-to-back service counts as one service, a new auditions committee, a good dismissals committee with one-year advance notice. There were also increases in vacation and improvements in working conditions. There is a separate opera contract for five weeks at \$230 per week.

Cincinnati: (Settlement details were published in Senza Sordino.) The three-year contract was \$220, 230, and \$245 across the board with hospitalization and half coverage for dependents first year, total coverage second year, major pension increase. The five-week strike resulted in improved working conditions such as elimination of 9-service weeks; thirteen 5-day weeks, and four 4-day weeks were gained by the 3-hour rehearsal concept, i.e., three 3-hour rehearsals to be counted as four 2½-hour rehearsals. Also, many 2-rehearsal days have been eliminated. On 3-hour rehearsals, 2 intermissions -- 15 and 10 minutes -- are required. The run-out problem was solved by bunching dates into 4 mini-tours in non-subscription weeks, consisting of 4 concerts per week with 3 days off. Sipser and

Liebowitz were engaged; the relationship with the Local, Gene Frey, President, was excellent.

St. Louis: The negotiation committee is separate from the orchestra committee; hence, it is freed from day-to-day matters. Sipser and Liebowitz were engaged, and the Local paid half of the cost. The new two-year contract is 49 weeks with 4 weeks paid vacation, 51 weeks with 6 weeks paid vacation; the pension plan is non-contributory with back payment of player contributions; the welfare plan is also paid by the Society. There was no weekly wage increase the first year, \$10.00 second year, bringing the minimum to \$215.00. More contract details were printed in Senza Sordino.

Baltimore: Negotiations were protracted and difficult. The orchestra agreed to work and talk with the understanding that if, in the union's opinion (Fuentelba, Local President, was the chief negotiator), the negotiations were stalemated, thirty days notice of a strike would be given management. Notice was given on November 29, '71. Management threatened a lock-out which they didn't carry out, however. A ten-week strike ensued. The Mayor stepped in during the fifth week, appointed a mediator who wasn't much help. Press coverage was excellent with great community support. A blue-ribbon panel was formed and offered four weeks and \$10.00 retroactive, which the orchestra accepted on March 10 with the understanding that an intensive study with recommendations would be made. One recommendation that followed was to give the orchestra another \$10.00 raise for the '72-'73 season, making the minimum \$230 with 42 weeks; '73-'74 season, another \$10.00, same weeks; '74-'75 season, another \$10.00 and 44 weeks. The panel also recommended an additional expenditure of \$60,000 per year for increased promotional and PR work, as had, in effect, been urged by the orchestra. Another outcome was getting a new manager, but the Board is still archaic. There is still no contract. The strike benefits helped as did an ERF loan of \$1000.

The Seattle delegate reported that the conductor of the Baltimore Symphony Orchestra, Sergiv Comissiona, came to guest conduct while Baltimore was out on strike. The Seattle orchestra, with management's OK, had printed in the program their support of Baltimore, plus a pledge to donate part of their salary to the Baltimore musicians. Mr. Comissiona also pledged part of his fee. The amount sent was \$800.

The Baltimore delegate said that this action by Seattle and Comissiona was very helpful and got a lot of publicity in Baltimore. He said, however, that Comissiona's attempt to help the situation by appearing before the orchestra was not successful, and it was generally agreed that conductors should not intervene in labor disputes.

The Chairman reported on the Indianapolis situation, noting that it was similar to Baltimore's in that both orchestras suffered from an intractable Board chairman; Indianapolis, however, did not enjoy good press, unlike Baltimore. There was a long strike, but they had a good committee and labor lawyer and did an excellent job in a very unfortunate situation, for example, merger threats, lack of a broad base of support, regressive management.

Winnipeg reported some gains -- minimum from \$131.00 to \$150.00 first year; \$160.00 second year with season length up to 32 weeks plus some fringe benefits. Two committee members, however, were fired and were not supported by the Local; also, there was no dismissal procedure in the old contract.

The Vice-Chairman pointed out that this incident again demonstrates the need for an orchestra to be organized and be willing to protect and support its spokesmen wholeheartedly. Committee members, by the same token, cannot and must not act without the support of the orchestra.

The Secretary reported that, for approximately twenty-five years, the Winnipeg personnel manager has also been a union official, and the Winnipeg delegate was told by Phil Sipser that this is clearly a conflict of interest and should be stopped. Another interesting item is that the orchestra by-laws prohibit a member of the orchestra committee from running for union office; this is clearly illegal, but the reasoning is that since the committee acts as a liaison between the orchestra and the Local, somehow the union office is regarded as conflict of interest.

A question of personnel managers being in violation of Landrum-Griffin under Section 302 was addressed to Counsel. He replied that, while it is not a violation per se, and while many personnel managers are quite fair in the performance of their duties, it is also unfortunately true that many still act as agents of management and, to a certain extent, as spies for management, but the solution does not lie with Landrum-Griffin.

Philadelphia reported on its negotiations, which are still in progress. Sipser and Liebowitz are being retained as counsel. There is still no acceptable offer from management. We were hoping for a contract by last week, but the orchestra is now on a three-week vacation and there is a problem getting them together to ratify a contract.

Denver reported on its negotiations. A two-year contract was negotiated last year, but the orchestra is now engaged in a wage-reopener negotiation. Because of the wage freeze in '71-'72, there were 34 weeks with one week paid vacation at \$200 minimum although most of the players receive \$250 and up. In the present negotia-

tions, management has offered 36 weeks and \$10.00 increase plus a four-week summer season at \$150, \$175 for assistant principals, and \$200 for principals. This offer is under union scale. Management insists that this summer season be mandatory. The contract will probably be ratified by September 20.

Since the Denver delegate had also mentioned the pension proposal, i.e., management's proposal that the players would pay 3% into a tax-sheltered annuity, the Chairman and Counsel pointed out that this idea was virtually illegal, since an annuity has to be voluntary. It was suggested that the Denver delegate discuss this matter with Counsel.

The Chairman, however, stressed the value of tax-sheltered annuities for those who can afford them.

San Francisco gave its report. Nothing much has happened; the deadline is November. A noteworthy item is that management discovered that its trade-off on recordings for pension purposes was stymied because the players were still able to dicker for full-scale recording rates.

The Chairman asked for a special mention from San Francisco on this matter, especially since the orchestra managers had argued in favor of this idea and the AFM had prohibited such arrangements.

Vice-Chairman Dave Smiley pointed out that the recording hassle resulted in increased scale and pension benefits for San Francisco; for example, management agreed to put another \$90,000 into the pension fund and benefits were almost doubled.

The National delegate gave his negotiation report: Early in the year, in anticipation of coming negotiations, the committee had discussions with the Local officers which resulted in an agreement that it would be recommended to the Executive Board that the committee be delegated the authority to negotiate the contract with an officer of the Local as an observer and also hire legal counsel of its choice. The Executive Board agreed to this proposal, except that it wanted a Local officer to act as chairman of the negotiation team rather than as an observer.

The orchestra objected to this proposal and decided to take its case to the Local membership, i.e., to incorporate into the by-laws that the committee would be the negotiation team. A bitter fight ensued, after which this resolution was defeated. The committee hired Sipser and Liebowitz as counsel for negotiations. In an effort to improve the Local/orchestra relationship, the incumbent Local officers, facing an election and some opposition, pledged to the orchestra that they would cooperate fully with the committee in this negotiation in return for the orchestra's support. Since

the election they have followed through with their pledge and the relationship has improved greatly.

At the beginning of negotiations, management proposed that split-orchestra be eliminated in return for elimination of the dismissal committee, saying that Mr. Dorati would not agree to sign as musical director unless this clause was deleted. The orchestra contacted Mr. Dorati, who replied that he had simply mentioned to management that perhaps the orchestra had too many committees but that he was not thinking specifically about the dismissals committee and did not attach much importance to it. Hence this issue has been disposed of. Otherwise negotiations are at a standstill.

The Rochester delegate gave his report. The New York Philharmonic was praised for postponing its Rochester concert during the dispute. Cooperation between the Local and the orchestra was excellent. The troubles stemmed from '69, when the orchestra went on strike for the first time, this creating a hostile attitude by the Symphony Board, which persisted. Another problem was the lack of high quality artistic leadership, plus one of the lowest percentages (in '69) of earned income of any orchestra in the country and the percentage is still dropping. After a protracted dispute between the orchestra and management over the choice of musical director, Mr. Sam Jones, against the orchestra's wishes, was re-engaged and management sent out four non-renewal notices, two of them to committee members, one to the immediate past chairman and the fourth notice to an outspoken critic of Mr. Jones. A fifth player was placed on probation.

These actions received wide press coverage, the Local charged political reprisal, placed the president of the Association on the Unfair List, and filed a complaint with the New York State NLRB, charging discrimination against the dismissed players because of union activities. The Association contested this action. The Local has refused to negotiate until the notices are rescinded and has fined Mr. Jones \$1000 and suspended him from membership for six months. (For further details, including the reinstatement of the five players, see Senza Sordino, December '72.)

The Chairman praised Joe DeVitt, President of the Rochester Local, for his support and dedication to the orchestra, his political expertise, his skill with the news media, and his fighting spirit on behalf of the musicians. In the last strike, when the musicians were receiving no salaries, Mr. DeVitt also cut off his salary.

It was moved, seconded, and passed unanimously to have the ICSOM Executive Committee send a telegram of support to the Rochester Local and the orchestra committee.

Morning Session -- 10:00 A.M., August 30, 1972

The Chairman read a letter from Harald Hansen of the Indiana-polis orchestra committee explaining that negotiations prevented representation at the Conference by that orchestra. The letter also detailed the problems of the orchestra: a 9-week strike and a 1-week lockout last season. Management's economic offer on August 25 was a 4-year contract: 38 weeks and \$210, including 2 weeks paid vacation; 40 weeks, \$225, still 2 weeks paid vacation; 42 weeks weeks, \$240; final year 43 weeks, \$260. This offer sounded good but only because the base from which it started was so low. The orchestra wants the season extended to 46 weeks and a non-contributory pension plan, plus increased medical benefits. Despite a mutual agreement on joint news releases, the committee learned that the Society is going to violate this agreement.

The Los Angeles delegate gave her report: The negotiators have been working on non-economic items and are waiting on economic ones. Some progress has been made on job security. The union and the union lawyer and the committee are working very well together. The committee wants information from the Conference concerning disability insurance.

The Chairman thought that this matter could be discussed when tax-sheltered annuities came up.

The St. Louis delegate gave details on the orchestra's 30-day walkout notice to management in the last negotiations, noting that the expiration date coincided with the day before an Eastern tour which was important to management. The contract was ratified right before this tour, but the contract went unsigned and management withheld disbursement of the retroactive pension contributions agreed on in an attempt to pressure the orchestra and the union into accepting an open shop clause. Management not only withheld the money but waited six or eight weeks before submitting the new pension to the IRS, saying that they wouldn't submit it until the contract was signed with their clause in it. Management was hoping that the orchestra would ask the union to capitulate in order to receive their money, but the orchestra instead strongly supported the union. Management finally realized the error of this strategy and the money was received by the orchestra and the contract was signed, with, however, the open shop clause dispute still being negotiated in light of the possibility of the NLRB asserting jurisdiction.

Orchestra splitting was the next item on the agenda. One delegate urged that a contract clause should stipulate that any job previously handled by a private contractor should not be worked by a split orchestra. Rochester reported that, although



management could not show how a split orchestra would increase revenue, the New York State Arts Council lowered its grant because the orchestra would not allow splitting, using Syracuse as an example, which however, has different arrangements, allowing full-time players to split while part-time players cannot. In Dallas, the split-orchestra players are hired separately and above the contract rates.

The Chairman pointed out that over the last five or six years, the American Symphony Orchestra League has been trying to convince many managements that they have more players than needed. Indeed, Helen Thompson, formerly ASOL guiding head, now manager of the New York Philharmonic, tried to inject a clause in the trade agreement that the orchestra could be reduced by attrition. The contract specified 106 players, and the proposal was rejected; the committee also insisted that the same instrumentation had to be maintained; New York still suffers, having only nine bass players.

The problems of being musically selective in orchestra-splitting were discussed. The Chairman said that these considerations can be defended and justified on artistic grounds and furthermore go to the public on this issue. New York is insisting on an equitable arrangement, and management is resisting. The orchestra insists that extra compensation be paid those players who face unusual demands.

Seattle said that its Artistic Advisory Committee controls such situations. The Chairman asked that Seattle write a blurb on this matter for Senza Sordino.

San Francisco reported that its situation is bad; i.e., the orchestra plays in schools; the principal players perhaps get over-scale, but the rest of the orchestra goes for scale into schoolrooms and plays quartets, thus playing for less money and not receiving solo money.

The Denver delegate said that her orchestra splits down to 40 and four times a season splits down to 25, but she had no idea that other orchestras were doing chamber music. Her orchestra insists that these players must receive additional compensation.

The Chairman pointed out that sometimes there are many things orchestras have to do -- unusual programs, pilot programs, government-funded programs with educational aims, attempts to bring in new audiences, etc. -- in order to get other things. So an open mind is necessary, and the merits of a proposal have to be considered, as an investment as well as on its intrinsic merits; for example, a workshop program for underprivileged children, which goes beyond simple consideration of the checkbook.

The Chicago delegate reported that the orchestra is in the last year of its three-year contract, and he detailed the rotation plan. This is handled by the personnel manager and the shop steward. The plan has been quite successful, and in fact the string section was given more compliments by critics here and abroad than it had ever previously received. The principals like it, the players like it because of the challenge and also because the good players get to sit with the fantastic players. The bonus player situation, however, still needs more resolution because of rotation.

The Chairman added that, during the Chicago/New York negotiations, this rotation idea was rejected by the New York string section because they already had a chair-price system because there was no time off or small orchestra work. Thus the strings had regularly turned down this proposal. He regretted their position on this matter and thought that rotation was more healthy and democratic.

There was discussion on the fact that some string players in orchestras prefer to sit in the back of the section because of more time off, while others think that sitting in the front gives them more prestige. Both attitudes were deplored, and the Chicago delegate said that the rotation system was effective in dispelling both attitudes.

Another Chicago clause was read which stipulated that no services may be scheduled on Thanksgiving Day, the Eve of Roshhashanah, the first day of Roshhashanah before 8:00 P.M. and similarly with Yom Kipper.

The Chairman urged the delegates to send enough copies of their completed contracts to the CRRC so that all orchestras can have one. He also asked them to make sure that Ted Dreher gets a contract.

It was also suggested that an orchestra could mail contracts directly to the other orchestras, by using the glueable lists of delegates provided each area Vice-Chairman.

The Oregon delegate reported on negotiations: The conductor's contract has been terminated, the manager and assistant manager have resigned. Good new people are taking over; there will be a year of guest conductors; some of them are promising for the orchestra's future. These changes came about because of orchestra/union unity (the ICSOM delegate is secretary of the Local) and determination. Management attempted reprisals but were defeated by this unity and the strong support of the Local. The contract has not yet been meaningfully negotiated, but the orchestra and the Local are optimistic about the new manager and think that, although negotiations will probably be consummated at the last moment, as they usually

are, a better contract will be worked out. It already has some good features; for example, \$60.00 per day above regular salary while on tour as compensation for the money lost through teaching or other engagements; this is above per diem. This amount is based upon the fact that the orchestra is largely a per-service one, does not provide year-around employment, and players cannot be expected to have their outside revenue disrupted without compensation. On imports, the Local has taken the position that imports will only be allowed if the orchestra has a say in the selection of candidates.

The Chairman suggested that the order of the agenda be changed and recommended that items IV D and E --(D) wage stabilization program as it affects symphony players and (E) ICSOM contract standards -- be considered next.

ICSOM Counsel Leonard Liebowitz asked the delegates to examine a check-list of contract-bargaining problems and sample contract clauses. He explained each item on the check-list in detail, starting with orchestra-splitting.

A motion was made, seconded, and passed unanimously to have the Chairman appoint a committee of three delegates, one of whom will be chairman, which, during the coming year, will investigate the area and current practices of orchestra-splitting and bring to the next Conference recommendations of a stated philosophical concept that may be considered for adoption as a policy of ICSOM orchestras. The Chair appointed Alfred Myers (Cincinnati), Marylou Speaker (Boston), and James Weaver (Seattle).

The discussion continued with the implications of the Pay Board and a suggested contract clause which would make it possible for wages turned down by the Board to be put into other, acceptable areas of the contract.

This item was followed by a discussion of a suggested doubling clause. One interesting item was that harpists should be paid for doubling if they have to condense and play two parts.

The five-day week was discussed and the various ways to get it in the contract with consecutive days off.

Counsel next discussed double-rehearsal days; service credits for run-cuts; individual contracts, especially in last year of contract (need opportunity to negotiate above-scale terms after ratification of master agreement; should be spelled out in contract). Vancouver has a clause which reads "any change in an individual contract which is deemed by the musician to be detrimental to himself shall remove all obligation on the part of said musician to the Society." Counsel said that he would write

a clause which would allow a musician to negotiate an individual contract without being forced by management to stay in the orchestra after a stipulated date, while still giving management the right to know if the musician is or isn't planning to stay.

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Afternoon Session -- 2:30 P.M., August 30, 1972

ICSOM Counsel discussed pension plans at length. This was followed by a report on the AFM-EPW plan by AFM Secretary-Treasurer Stanley Ballard.

Various delegates stressed the importance of each orchestra's having a pension committee to study and analyze its plan very carefully, since this is such an important area. This includes examining how the plan is invested and determining the highest safest yield as well as the commission fees charged.

Counsel continued with auditions, recommending that each orchestra have an auditions committee with the power to do the screening. He also discussed a management rights clause, i.e., management reserves to itself in the contract all the authority, rights and powers not granted or limited in the collective bargaining agreement. Care has to be exercised with this clause because one could be written which would demolish all the other rights in the contract, i.e., the gains of the players. The clause must also be subject to arbitration.

The artistic advisory committee concept was the next item. The Boston clause was cited as a good one to emulate. Counsel added "scheduling" to this clause. The importance of this committee meeting regularly with the manager and/or the musical director was stressed, because Counsel said that the essence of good labor relations is communication. Hence this committee, through regular meetings, can solve and avoid many problems. It also helps negotiations in that these problems do not have to wait to be solved in negotiations.

Non-renewal and dismissal clauses were discussed. Three representative clauses were mentioned: (1) the Met clause which provides four years job security for musical competence; (2) the National's player-committee clause in which the ultimate decision of non-renewal is made by the players; (3) the Philadelphia clause which provides the usual grievance machinery and ends with arbitration. Counsel said that this is the rock-bottom clause and there should be no settling for less.

Optional weeks was the next item and the Boston clause was used as an example. Counsel recommended that optional weeks be

spread throughout the season (a) because it gives the player the right to make the decision as to when he/she would like to take it and (b) because it spreads out the number of requests to management.

Counsel next discussed arbitration and read a clause designed for those orchestras which at present do not have any arbitration at all. The Met clause goes further by providing that, if the Union is not willing to arbitrate, the individual musician has the right to arbitrate; this is because, unlike standard clauses, this clause stipulates "party" as being management, the Union, and the musician.

It was emphasized that arbitration on non-renewal for cause could be handled successfully by a labor arbitrator, but not if the non-renewal was for musical competence, simply because, since the arbitrator wouldn't have any knowledge in this area, he would tend to accept the judgment of the musical director. Hence, a different method, i.e., that of National's, should be used. Also, various clauses were cited in which management could not give more than two non-renewal notices on musical competence to a player. Also discussed was the unfairness of using an audition as an evaluation, especially to an older player, who, while being a capable orchestra player, would not be up to playing the kind of audition he or she had played years earlier; also, the audition doesn't relate to orchestral competence.

The resolution on auditions passed by the AFM at its last convention was discussed, and Messrs. Ballard and Dreher were asked if the AFM planned to use the good offices of ICSOM for advice on this matter. Mr. Ballard said that the resolution had not yet been discussed and that he would be in a better position to answer this question when the matter came up.

Nominations and elections of ICSOM officers was the next item. Ralph Mendelson (New York) was nominated for Chairman and was elected by acclamation. David Smiley (San Francisco) was nominated for First Vice-Chairman and was elected by acclamation. Robert Maisel (St. Louis) was nominated for Secretary and was elected by acclamation. Melanie Burrell (Denver) and John Palanchian (New York City Opera) were nominated for Treasurer. John Palanchian was elected 15-12. Henry Shaw (Cincinnati) was nominated for Editor of Senza Sordino and was elected by acclamation. Stanley Dombrowski (Pittsburgh) was nominated to serve the remainder of the term of office of Central Regional Vice-Chairman and was elected by acclamation.

The next item on the agenda was ICSOM programs -- assessment and revision.

- Number 1: Program to reach high school and college age music students and distribution of Senza Sor-dino to music schools was discussed. It was agreed that extra Senzas would be sent to each orchestra for distribution to interested parties with the suggestion to these parties that if they are seriously interested, they can subscribe to Senza.
- Number 2: A professionally prepared paper on symphony playing as a career: The Boston delegate, Marylou Speaker, volunteered to write a paper on this subject.
- Number 3: A speaker's Bureau: Some orchestras do this; Carl Schiebler, St. Louis delegate, described his program -- a publicity packet from management to university clients includes presentation he has worked out on symphony playing as a career. The Chairman thought this to be a splendid idea and recommended that orchestra managers be so apprised. Schiebler made it clear that his program was a panel program -- two each from the orchestra, management, and the particular music school involved; a 20-minute talk period and a 30-minute question and response period, the emphasis being on life in a symphony orchestra, including negotiations, transfer membership, auditions, etc. There would be no monetary compensation because the originators wanted complete freedom and didn't want the presentation to be possibly distorted by strictly management-oriented people. A motion was made and seconded to set aside this recommendation. The motion passed.
- Number 5: Each orchestra establish a lobby to secure changes in the nickelodeon provisions, copyright laws, record piracy, and cheap-record-dumping from abroad: Ballard said that a piracy law had been enacted and that the copyright amendments fight by the AFM had been joined by the recording industry. Information as to the state of the fight was requested so that the lobbyists would know how to proceed; prompt information as to the state of the fight through press releases, International Musician,

was promised by Ballard. The Chairman asked that Ted Dreher provide him with information so that ICSOM could disseminate it to the orchestras through bulletins.

The Philadelphia delegate described his orchestra's lobbying efforts while in Washington, D.C., to change the Pay Board policies and suggested that the National could help visiting orchestras in channeling this activity and making sure that it was transmitted to the news media. The members of the National Symphony Orchestra could also be useful, since they are in Washington, in alerting other orchestras on immediate events.

The Portland delegate suggested a political department in orchestras and pointed out that it was necessary to know not only the AFM legislative agents in each state, but his interest, i.e., community or professional orchestra, so that lobbying could be effectively directed, not only in regard to obvious bills, but, for example, the Federal Revenue Sharing Measure, now before the Congress, will definitely aid the Oregon Symphony Orchestra if passed.

Ted Dreher said that a list of these AFM chairmen in each state could be gotten from the Local.

The Conductor Evaluation Program (Resolution #10) was discussed. A motion was made, seconded, and passed unanimously that this program be pressed. It was stressed that the musical director, the associate and assistant conductors, should be evaluated yearly. A consistent pattern was considered necessary, especially for other orchestras.

The Orchestra Chart was discussed. The Secretary pointed out that the last chart had been given to the orchestras far too late to be of benefit and said that, unless the next chart was given out earlier, i.e., by February at the latest, ICSOM should go back to the previous system; moreover, if this transpired, ICSOM should be paid the difference between the two methods of publication, i.e., the AFM cost of five figures (at least \$10,000 as against ICSOM's \$850). Mr. Dreher recounted his difficulties in obtaining information, and the Secretary suggested that Chart information could be gotten during this Conference. This idea was adopted, and those orchestras still in negotiation would be expected to send their Chart information to Dreher before February. (Dreher and Maisel conferred on deletions and additions of Chart information.)

The Philadelphia delegate read a resolution which was

resolved unanimously consistent with Article 33, Section 26, and in a statement by Allegro, Local 802 citing Article 12, Section 45:

WHEREAS, symphony musicians, in some locals, are subjected to discriminatory mandatory retirement clauses, in their respective trade agreements, whereby symphony musicians are judged by their age and not their ability to perform, and

WHEREAS, negotiating committees for symphony musicians find that collective bargaining cannot always remedy this situation without causing a strike, and

WHEREAS, musicians employed in all other fields are not subjected to mandatory retirement because of age, and

WHEREAS, symphony societies that insist on mandatory retirement of their musicians, employ conductors in their seventies, eighties and nineties who are also members of the A.F. of M., but not subjected to any age limit, and

WHEREAS, the financial status of symphony orchestra pension plans would be substantially improved if members who are willing and able to continue working were not forced out of their chosen profession, and

WHEREAS, some symphony societies use this clause as a means of dismissal, regardless of ability to perform, and

WHEREAS, Article 12, Section 45 of the A.F. of M. By-Laws should apply to all symphony employment opportunities; therefore

BE IT RESOLVED, that this ICSOM Conference go on record as being opposed to this discriminatory clause in any existing or future agreements with symphony orchestras, and that the A.F. of M. restrain the locals from approving such agreements.

A motion was made and seconded to retain the fines and deductions section on the Orchestra Chart. The motion failed.

It was moved and seconded that ICSOM go on record as being opposed to management-imposed fines for tardiness when this money goes back to management. The motion was tabled.

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Morning Session -- 10:00 A.M., August 31, 1972

After the roll call, it was moved, seconded and passed unanimously that the North Carolina Symphony Orchestra be admitted into membership in ICSOM.



The next agenda item was IVH -- recording, radio, TV, cable TV, video cassettes. The ICSOM Recording Committee gave its report: It had met during the Conference and had decided on two resolutions to be submitted to the delegates. Number 1 -- Resolved, that the Executive Committee of ICSOM shall press charges against those conductors and soloists who, by making recordings in Europe without permission, are in violation of AFM By-Laws (Article 24, Section 6A); Number 2 -- Resolved, that the ICSOM Executive Committee shall request the President of the Federation to instruct all symphony conductors to comply with Article 22, Section 6, of the AFM By-Laws by January 1, 1973.

The above resolutions were moved, seconded, and passed unanimously.

AFM Secretary-Treasurer Ballard said that he approved of these resolutions, discussed some of the steps already taken by the Federation, and described the heavy Federation work load the past year, particularly in industry-wide negotiations, which prevented it from doing more in regard to the previous ICSOM resolutions on this matter. He thought, however, that the coming Federation work load would be lighter, and more attention could be devoted to these problems.

The Chairman asked that Mr. Ballard bring to the attention of the Federation the desirability of including opera and ballet conductors in Article 22, Section 6.

It was resolved that the last resolution be amended to provide that an investigation be made to discern who is or is not an AFM member and if there are those who are not, then the rest of the resolution will take effect.

The Chairman discussed the memo-questionnaire he had sent to orchestras prior to the record negotiations and following the Federation's questionnaire. Eventually replies were received from all the recording orchestras and orchestras which had previously recorded and from some non-recording orchestras. President Davis and AFM Counsel Kaiser were severely critical of the memo-questionnaire, especially the last paragraph which said in effect that some orchestras had suggested that no recording concessions be made without guarantees from the industry that a certain percentage of recording would be done with AFM orchestras. This was seen as a loaded question by Davis and Kaiser, but the Chairman said that he had included this item simply because it was of concern to some orchestras; furthermore, ICSOM had an obligation to communicate the sentiments of its member-orchestras, if only five, to all its orchestras.

The Chairman urged that the orchestras express their opinions not only to ICSOM, but also to their Local officers, so

that suggestions emanate from the Locals as well as from ICSOM. Written suggestions to the Federation showing that they emanate from both the Local and the orchestra are also very helpful and would facilitate ICSOM's discussions with the Federation.

The Chairman reported that he learned after the negotiations that some record companies were prepared to make guarantees in return for some concessions; namely, two English companies and Deutsche Gramophone. He also understood that, of the American companies involved, RCA was holding up consideration of this idea, but it is possible that they may have second thoughts. A memo after negotiations sent to the orchestras by the Chairman explained why this point was vigorously pursued; the recording industry, however, generally presented a gloomy forecast. Therefore, the ICSOM observers felt that any concessions would simply be a handout to the recording industry and happily the AFM negotiators felt the same way. The contract signed was for only sixteen months, and there will undoubtedly be further consultations in the spring concerning the future negotiations. Hence, more memos and questionnaires will be sent to the orchestras. The Chairman urged even more cooperation.

The alternate Chicago delegate, Sam Denov, urged orchestras to include in their contract negotiation demands that the resident musical director agree not to make recordings other than with his orchestra.

Mr. Denov moved that a resolution concerning the Music Performance Trust Fund be spread on the minutes of the Conference, but that it not be acted upon.

Mr. Denov withdrew his motion with the understanding that the matter would be on the next agenda of ICSOM.

Cable TV was then discussed, and the Chairman described a recent cable agreement negotiated in New York involving the New York Philharmonic. The broadcasts are confined to the jurisdiction of Local 802 (the Federation has no general contract with cable TV). The details were spelled out in order that other orchestras facing a similar proposal would have some precedent to help them. The Chairman thought that this agreement was even better than the one reached by the New York City Opera Orchestra. This agreement is for one year, stipulates a minimum of ten cablecasts at \$50.00 per player per cablecast for 100,000 subscribers with only one guaranteed repeat at \$15.00 per player, so this means that each player in the orchestra (whether or not he or she is used in each cablecast) receives

\$65.00 for each guaranteed cablecast; i.e., \$650.00 for the first 100,000 subscribers with an additional 2.8% for every additional 10,000 subscribers. The Chairman detailed the controls, terms of future uses and negotiations of these tapes, etc. These tapes are taken from the usual performances and do not involve extra services.

Pension-taping was discussed. Various delegates expressed dissatisfaction with this taping, while conceding that it was difficulty for an orchestra to turn down proposals; the New York Philharmonic, however, turned down a guaranteed \$40,000 proposal. The Boston delegate reported that her orchestra's taping arrangement grossed \$160,000, but the amount which went into the pension fund was only \$55,000; every note Boston plays is taped. The Chairman pointed out this this was a low fee but that other orchestras' fees are probably even lower. He also noted that ICSOM has consistently opposed pension-taping not only for the above reasons but also because these tapes compete with other orchestras; i.e., they are frequently played at the same time a live concert is being played by the local orchestra.

The Philadelphia delegate pointed out that sometimes circumstances do not permit an orchestra's turning down pension-taping; for example, both in Philadelphia and Boston, the negotiators were working on a non-contributory pension plan and didn't feel that they could at the same time press for abolishment of pension-taping.

After the delegates had pointed out other pernicious aspects of this situation, it was resolved unanimously that ICSOM go on record as being opposed to pension-taping and urge the International Executive Board to declare the whole pension-tape system illegal and exploitative and to cease and desist immediately.

The recommendations of the Budget Committee were discussed. It was moved and seconded that the recommendations be approved with the exception of #3 (ICSOM membership card).

An amendment was made and seconded that San Francisco's deadline for ICSOM dues payment be extended until February 1. The amendment passed. It was decided that each recommendation be voted on:

- #1 The ICSOM fiscal year be established (accepted)
- #2 ICSOM dues and 5% penalty (not accepted). It was resolved that #2 read "That ICSOM dues shall be due September 1 of each year and payable by member-orchestras on or before December 31."
- #3 ICSOM membership cards. It was resolved that #3 read

"That ICSOM membership cards for the fiscal year be made available to those orchestras desiring them."

- #4 Treasurer's report include discussion of ICSOM member-orchestras' dues collection procedures (accepted)
- #5 \$300 budget for Treasurer's office (accepted)
- #6 \$500 Treasurer honorium (accepted)
- #7 \$500 Chairman honorarium (accepted)
- #8 More written communication to reduce ICSOM telephone expenses (accepted)
- #9 Conference call expenses minimized (accepted)
- #10 Legal service not be disproportionate to income from member orchestras; ICSOM legal services budget to include retainer and conference expenses and \$13,000 will be budgeted (accepted)
- #11 Legal Counsel quarterly billing include listing of services rendered (accepted)

(#6 and #7 require a referendum vote)

It was resolved that Article VIII, Section 3, be amended to include the fiscal year as put forth in Recommendation #1; Article VIII, Section 4, have added at the beginning "The Chairman and Treasurer..." (to conform to Recommendations 6 and 7. These proposed By-Law amendments also require a referendum vote.)

Gordon Marsh, President, Musicians Guild of Montreal, thanked ICSOM for meeting in Montreal and announced that as one result of this Conference he had written to the Directors of the Montreal Symphony Orchestra suggesting that members of the community and of the orchestra should be active in the direction of the orchestra. Mr. Marsh was warmly applauded by the delegates.

AFM Symphony-Opera Strike Fund improvements were discussed. Mr. Ballard, one of the trustees, said that it had been a pleasure for him to be at this Conference. He noted that at the last Conference he had attended, in Cleveland, the bulk of the criticism had been directed toward the Locals, whereas at this Conference it was directed chiefly toward the Federation. He was happy to note that most of the comments directed to the Strike Fund were favorable. He reported on the financial status of the Fund as of March 31, 1972: Contributions of members, \$130,671.75; strike benefits paid out were Cleveland, \$24,650; Dallas, \$6,900; Baltimore, \$53,475; Indianapolis, \$32,000; Cincinnati, \$18,800.

This had necessitated going into the Federation "seed money," but since then \$15,726 in contributions has come in so that, as of Augst 22, 1972, there is a total of \$10,573 above the \$250,000 "seed money." He praised the fund and the unanimous decisions of the trustees to help the orchestras.

Mr. Ballard was of the opinion that what the recording industry has done to symphony musicians in the United States and in Canada is a disgrace; they have used our recordings to create wide-spread unemployment of musicians; for example, radio staff musicians; the radio and TV industries' treatment of musicians is also a disgrace, and in those countries in which radio and TV are government operated, the quality of programming is higher and there is more employment of musicians with better contracts than in the United States; the CBC is a good example: Canada, with 1/15th of the population of the United States, spends much more money on live music than does the United States; moreover, asking the government for help is almost useless, since former President Johnson's wife owns two TV stations and three or four radio stations and when numerous Congressmen also own interests in radio and TV stations; this practice is unethical and is a conflict of interest, and voting these people out of office is probably the only solution.

Mr. Ballard commented on the Federation's turning down ICSOM's request for money for its projects. He reiterated that ICSOM is only one of twenty-four conferences in the AFM, and the Federation simply cannot show that much partiality to just one conference, no matter its importance, and turn down the others. Also, the Federation is in financial difficulty, but the next Convention might alleviate this problem.

Mr. Ballard discussed and commended President Davis' efforts to exempt symphony musicians from the wage freeze, citing the telegrams to President Nixon and to Connally, Hodgeson, and the appeals filed by the Federation. He gave the backgrounds of the Pay Board members, showing that they were not impartial but were business-oriented. He also criticized President Nixon's figures on the rising cost of living, declaring them distorted and misleading and not showing some other factors; i.e., the balance of trade, devaluation of the dollar abroad due chiefly to the Viet Nam war. He cited further appeals sent to the Wage Board by President Davis and Mr. Kaiser.

Mr. Ballard stated that the Federation was unalterably opposed to NLRB assertion of jurisdiction over symphony musicians because there would no longer be a closed shop; hence non-union musicians could be employed; you could, however, have a union shop but a non-union member wouldn't have to join for 30 days; foreign non-union musicians could also be employed under these conditions; you

could no longer refuse to play in a town in which another orchestra was on strike; there are other inimical features to NLRB jurisdiction, and the Federation will continue to oppose such assertion, and its members are urged to do likewise.

On the grievance petition by symphony musicians to the Federation concerning Locals, Mr. Ballard did not think this to be unhealthy, but said that ICSOM could always have an audience with the IEB; the Board has never refused an audience to any groups, conferences, or officers within the AFM.

Mr. Ballard concluded by saying that it had been a pleasure to be at this ICSOM Conference, and he was applauded by the Conference.

The Dallas delegate criticized the Strike Fund trustees' decision concerning her orchestra. This matter was discussed extensively by the delegates. (Note: Four of the five trustees were at the Conference -- Ballard, Dreher, Maisel, and Mendelson.) Mendelson explained the reasoning behind this decision, the chief factor being a determination to maintain a viable fund; this does not mean that the fund does not need improvement as regards consistency of decisions; also, the trustees would like to be able to decide that no benefits have to be returned.

It was resolved unanimously that ICSOM urge the trustees to pay two weeks of strike benefits to Dallas.

Mr. Ballard commented on President Davis' decision not to immediately give ICSOM pertinent documents concerning AFM applications to the Pay Board; this decision was based on the fact that ICSOM does not represent all symphony, opera, and ballet musicians, whereas the Pay Board's actions affect all of these musicians; therefore, it would have been inappropriate to limit giving this information to ICSOM in advance of general dissemination through International Musician.

This decision was vigorously criticized by the Conference and seen as the kind of thinking which has contributed to disharmonious relations between ICSOM and the Federation. It was pointed out that ICSOM, as an official Conference, was entitled to know about these matters and also that ICSOM has always had a policy of providing information to non-ICSOM orchestras and would have done so in this case.

Mr. Ballard said that while ICSOM has a right to an opinion, President Davis also has a right to his opinion and that right should be respected.

The Chairman agreed but said that ICSOM did not respect that particular opinion.

ICSOM Counsel stressed to Mr. Ballard that either ICSOM is an official AFM Conference representing symphony musicians or it isn't; if it is such a Conference, it must be treated like one by the Federation; that is the basic problem between ICSOM and the Federation, and ICSOM must have a meaningful relationship with the Federation.

The Philadelphia delegate, Irving Segall, also stressed to Mr. Ballard the fact that ICSOM represents the majority of symphony, opera, and ballet musicians who earn the substantial part of their livelihood from the performance of music and it is not ICSOM's fault that the AFM structure is such that now its representation is primarily people who earn a small percentage of their living from the music business; their problems are not our problems, and the AFM is not properly representing the full-time musician; it had been thought that this situation was on its way toward resolution during this Conference, but now Mr. Ballard's remarks at the end of these four days of discussion were extremely disappointing.

Mr. Ballard pointed out that the Federation has devoted more attention to ICSOM than to all the other conferences combined; the Federation, far from ignoring ICSOM's problems, is as much concerned, more concerned, with these problems than with any other problems it has. The fact is that a healthy structure needs a head, President Davis is that person, and if ICSOM does not respect his judgment on some matters, it has the right to air its grievances before the IEB; in fact, the IEB has given more time to ICSOM than to all other conferences combined. He hoped that differences could be resolved.

Dave Smiley thought that progress toward a better relationship had been made and cited various examples as proof, chiefly the Strike Fund. He pointed out the inherent slowness of large unions and, for that matter, ICSOM, and also noted that the reason ICSOM received as much attention as it did from the Federation was that it was the strongest Conference within the Federation.

Mr. Ballard was asked by the Seattle delegate how to get President Davis to change his attitude toward releasing Pay Board application information, citing his orchestra's futile attempts. Mr. Ballard suggested that the orchestra committee secretary write to the Federation and put this question in writing to President Davis and a copy to the IEB so as to get an answer.

VOC-- Renewal of ICSOM Counsel's contract, was next discussed. It was resolved unanimously to retain present legal counsel.

The choice of the location of the next Conference came next. Portland, Oregon, and Cincinnati, Ohio, extended invitations. The Portland delegate deferred to Cincinnati. ICSOM accepted Cincinnati's invitation.

Vance Beach urged that tax-sheltered annuities be seriously examined by orchestra members. The Houston delegate stressed the difference between a true group tax-sheltered annuity and an insurance company. The latter is quite a bit higher.

Audition procedures were discussed, and it was recommended that a committee composed of Ted Dreher, chairman, and two members of ICSOM orchestras examine and make recommendations on this matter. Mr. Dreher endorsed the idea.

The St. Louis delegate, Carl Schiebler, under instructions by members of his orchestra, introduced a resolution that ICSOM take a firm stand to back the Democratic candidate for the Presidency, Senator George McGovern, and then urge the AFM to do the same. The motion failed.

The three-year import law was discussed, and it was explained that the Local can waive this requirement.

It was resolved that a sub-committee be appointed by the Chairman to investigate the ramifications of the Music Performance Trust Fund and to put this matter on the agenda of the 1973 ICSOM Conference for extensive discussion. The Chairman appointed Fred Batchelder (Philadelphia), Sam Denov (Chicago), and Richard Jones (Rochester).

Harry Barnoff, previous ICSOM Treasurer, was given a vote of appreciation for his outstanding job in that office. Also, Robert Ryker was given a vote of appreciation for his work in arranging the Conference. Vance Beach was given a vote of thanks for his service as Editor, Senza Sordino. The ICSOM Executive Committee was given a vote of thanks.

The Conference was adjourned.

Respectfully submitted,



Robert Maisel, Secretary