

# Senza Sordino

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## ICSOM HOLDS ANNUAL CONFERENCE

The 1973 ICSOM Conference was held in Cincinnati September 5th through September 8th. As usual the agenda was an extensive one and the conference was taxed to complete its work in six working sessions. Representatives of thirty symphony orchestras were present including Stewart Taylor from our newest ICSOM addition, the New Jersey Symphony Orchestra. Besides 43 musicians, present were, Ted Dreher, head of the AFM symphony department. Dave Winstein, AFM Executive Board member and president of the New Orleans local and Eugene Frey, president of Local #1, Cincinnati and, along with the Cincinnati



*Southern Orchestra delegates caucus.*

delegation, host of this year's meeting. By far the most important agenda item turned out to be the progress, or lack thereof, of the Cleveland Symphony Orchestra negotiations. A delegation of four Cleveland orchestra members, led by Bert Siegel, rose to detail the extent of their difficulties and to ask for whatever support can be forthcoming from member orchestras. At the time of contract expiration, management had yet to make a money offer, demanding that non-economic items be resolved first. The negotiations were complicated by the Australian tour, then pending, and an extension of the old contract to cover that tour. The extension was granted by the Cleveland local without consultation with the members of the orchestra.

Discussed at length at the conference was a proposal to explore the feasibility of funding a single Symphony Orchestra Health and Welfare Plan. Such a joint plan, it was pointed out by Mr. Sipser, ICSOM legal counsel, would maximize benefits for every dollar paid by ICSOM orchestras for that purpose. Joint funding for private orchestra pension plans was also discussed and, while it was agreed that such a goal would be more difficult to achieve than health and welfare improvements, exploration should begin at once. It was pointed out, lest panic seize musicians with heavy

investment in their local pension plans, that it is not the intention of the Conference to involve itself with a single pension structure or revamping of benefits, but only the safe pooling of funds to effect a better return of invested money to the benefit of all. It was pointed out that there were definite investment advantages when a large single sum is invested rather than many small sums. The Executive Committee was instructed by delegates to proceed with investigation into this entire area.

Mr. Borsay, an expert in the field of tax-sheltered annuities and pension plans, invited to speak at the conference, detailed the advantages of tax sheltered annuities. Many orchestra members have already availed themselves of the special tax breaks given musicians by the Internal Revenue Code as the result of the non-profit nature of our employer. Such annuity plans are available in Canada as well as the United States, and are worthy of inquiry by orchestras not yet involved.

A comprehensive report was made by the committee which was struck last year to survey procedures used in orchestra-splitting and also survey feelings of musicians towards the concept. Al Myers, Cincinnati delegate, presented the report which will be reviewed elsewhere in this issue.

Ralph Mendelson reported on the new AFM-Industry recording agreement. The ban on trade-off arrangements remains. The old three-hour rate has been increased from \$95. to \$101. and in 1974 to \$106. A new four-hour rate has been added which is \$134.67 and beginning on September 15, 1974 will be increased to \$141.33. There were no guarantees forthcoming from the Recording Industry representatives which might result in the participation of more orchestras in the production of records.

Discussion on the subject of Local work dues revealed the fact that member orchestras were paying from 0% to 4%. It was pointed out that the setting of dues amounts is a local prerogative and that orchestra personnel would have to solve grievances in this area at home. It was suggested that where orchestra members were unsuccessful in attempts to reduce what they feel is excessive work dues, they might seek a ceiling on the amount of work dues collected yearly from a member when the percentage of weekly collection can not be changed.

One of the more important agenda items was an in-depth presentation of the decision by the National Labor Relation Board to assume jurisdiction where briefs are filed by either orchestra managements, unions or individual members. Mr. Sipser outlined how this decision will affect the symphony orchestra musician in his relations with his union and management. The election of ICSOM Area Representatives and *Senza Sordino* Editor was held. Elected were: Irving Segall, Phil. Symphony, chairman for Eastern Orchestras, Stan Dombrowski, Pittsburgh Symphony, chairman for Central Orchestras. Crawford Best, New Orleans Symphony, chairman for Southern Orchestras. Jim Weaver, Seattle Symphony, chairman for Western Orchestras. John Miller, Winnipeg Symphony, chairman for Canadian Orchestras. Henry Shaw, Cincinnati Symphony, Editor of *Senza Sordino*.

New Orleans will be the site of the 1974 ICSOM Conference. Our appreciation to Al Myers and Mark Cleghorn for the thoroughness with which conference preparation was handled and to Eugene Frey and the Executive Board of Local #1 for their gracious hospitality.

## ICSOM COMMITTEE STUDIES ORCHESTRA SPLITTING

Because of the importance of orchestra splitting to the bargaining table agenda of virtually every major orchestra, a committee was appointed at the 1972 ICSOM conference to study the divided orchestra principle and gather information which might facilitate negotiation on the subject. The study distributed at last month's conference is drawn from a series of sixteen questions and, while it disappoints in the sparsity of participating orchestras, it nevertheless, draws from a cross-section of orchestras of divergent rank, to use the word loosely, and makes the information worth reading.

Various conclusions can be reached from the answers contained in the report. On the question of the size, limitation and quantity of orchestral sub-groups, a split into two orchestras was general although there are indications that many orchestras allow divisions into groups of 20 to 25 musicians. Seattle indicated permission to split into chamber ensembles of "not less than two," and Syracuse, while indulging in small chamber music playing, negotiates separate ensemble contracts with its musicians. Most orchestras limit the number of times that splitting may occur. Some contracts contain weekly restrictions, others yearly restrictions. Cincinnati indicated no limitation in this regard.

It would seem that the use of the small orchestra is, primarily, an aid in the educational area, although such ensembles are put to work for ballet, opera and other types of performances. Some negotiation committees have sought safeguards to prevent encroachment of the small orchestra into areas of musical employment which traditionally have been outside the purvey of the symphony orchestra. The fear is the deprivation of casual work already obtainable by symphony and non-symphony members in the community.

In almost every instance it was indicated that orchestra managements have been able to generate government (city, county, state and federal) financial aid as a direct result of fragmented orchestra activity. To the question of extra pay for assuming responsibilities of a chair not contracted for, it seemed generally that an extra increment was forthcoming for temporary occupation of a principal chair, though this was in some cases controlled by personal contract. In many cases, extra increment did not accrue to assistant principals moving into a principal position. In Detroit any musician temporarily assigned to a principal's chair, draws \$17 extra per week; to an assistant principal's chair, \$10 extra per week.

Have problems arisen due to the incompatibility of orchestras used with the instrumentation of small groups? Study returns indicate that there are problems and that suitable controls are needed. The Operation and Development Committee in Seattle, (five orchestra members and three management members), control this area rather well. It is possible that a negative vote of the committee may not permit orchestra splitting in a situation where problem programming occurs. There has been only one dispute on this matter in Seattle. This naturally introduces the question of musician input or control in split orchestra problems in general. The study is inconclusive. A majority indicated no voice in such matters, although the question of "who plays in which ensemble" has generally been resolved with little friction. Perhaps in this area the negative experience of the National Symphony Orchestra a few years ago has alerted many orchestras to the pitfalls of implied classification of groups into "superior" or "inferior" and the resultant assignment of orchestra personnel on that basis.

The study asked for expressions of opinion on the concept of orchestra splitting. One musician shrugged it off with a "they pay—we play" approach. Most indicated satisfaction with the application of the concept to their own particular orchestra situations although voicing dissatisfaction with programming and a suggestion that conductors be rotated from group to group. There were mixed feelings in one orchestra where formerly children's concerts meant time off for some individuals. The utilization of sev-

eral groups for such concerts now require everyone's services. One study participant states: "My personal feeling is that splitting is here to stay and we must focus our efforts on gaining more control and indeed reaping benefits from it rather than fighting to disallow it. I think it is in the nature of the times—in the need for involvement with the community, and in fact, probably necessary to gain increased financial support from government sources. It is also a fact of musical life that much of what is being written today calls for smaller, more flexible groups. We need to move with the times if we are to remain vital."

Henry Shaw

## MINNESOTA MUSICIANS DEFEND COLLEAGUE

A longtime member of the woodwind section of the Minnesota Orchestra was given notice of non-renewal in January, 1971, on the grounds of musical incompetence.

A committee of orchestra members was formed to assist in the player's defense. Since management had stated in the letter of non-renewal that if substantial improvement were shown the notice would be withdrawn, the committee decided that the player's best defense would be to demonstrate to the Musical Director a willingness and capacity for such improvement. Even though the player was a twenty-year veteran of his instrument, he agreed to a program suggested by his colleagues which included consultation with recognized experts on his instrument, chamber music sessions and sectional rehearsals. After only five months, the committee was so impressed with the results of the program that they recommended withdrawal of the notice and were supported by a petition signed by practically every member of the orchestra. Even in the face of such an overwhelming affirmation of the man's abilities, the management refused to withdraw the notice and instead insisted on a private audition as the only means by which the Musical Director could decide the issue; this, in spite of the fact that the repertoire of the past five months had provided numerous opportunities for the Musical Director to judge the player's competence, both in ensemble and in solo passages. On the advice of both his colleagues in the orchestra and the officers of Local 73, the player refused to play the audition, and the matter was submitted to arbitration as outlined in the Master Contract. Because of the program initiated by the orchestra members, and the delays in choosing an impartial arbitrator, a hearing was not held until late October, 1972. Even though the contract provides that the final decision on non-renewal rests in the hands of the arbitrator, the management terminated the man's employment in August of 1972, and referred to the player as a "former member" of the orchestra.

To add to the many injustices and frustrations already suffered by this player, the arbitrator died before rendering a decision in the case. It was May, 1973 before a new hearing was held. After a year of delay, anxiety and frustration it is a pleasure to report that the arbitrator ruled that the player must be re-instated in the orchestra, with full back pay.

The Orchestra Committee wishes to express appreciation to the board and officers of Local 73, and especially to Bob Biglow, President, and Jim Greco, Secretary-Treasurer, for the great support given throughout the case. Bob and Jimmy represented our colleague on the arbitration board, and Local 73 contributed generously to the player's legal defense.

It would be impossible to over-emphasize the importance of the support of the orchestra members in this case. The many hours of work done in implementing the musical program and in preparing the legal defense, and the willingness of the entire orchestra to speak out in the player's behalf and to contribute voluntarily to a fund for his legal defense, have contributed immeasurably to the happy result.

Minnesota Orchestra Members Committee

Ed: At the request of the aggrieved musician, his name is omitted from the article.

It is with the deepest regret and sorrow that we convey to you the news of the untimely death of Dave Smiley, violist in the San Francisco Symphony and Vice Chairman of ICSOM. Dave died on Monday, October 15th of a heart attack while bicycling. He was 41 years old. To write about Dave is to write of a man who was dedicated to his family and profession, and unselfish in his contribution toward a better livelihood for the musician, whatever work that entailed on his part. He was intensely involved in committee work in San Francisco.

His contribution to ICSOM cannot be exaggerated. Before being elected to the position of Vice Chairman, he was Editor of SENZA SORDINO for five years and developed its present format. Long before the Strike Fund, Conductor Evaluations, Government support for the Arts and other such programs were popular ideas, Dave was advocating them in SENZA. He was a doer and innovator.

Dave leaves his wife, Yuriko and two sons, Dan and Mariko. We extend our condolences to them. Those orchestra members who wish, may make contributions to:

The David Smiley Memorial Education Fund  
c/o Dr. Gordon Tomkins  
5 Eugene St.  
Mill Valley, Calif. 94941

The fund will insure the musical education of Dave's two children.

## ST. LOUIS CONTRACT CONTAINS RECORDING GUARANTEE

The St. Louis Symphony settled on a new contract on September 17, 1973. The results are as follows:

The contract's length is of three year's duration. The first year has a raise of \$25, which brings the minimum from \$215 to \$240. The second year will see a raise to \$260 and the third year to \$285. In addition, every musician will be guaranteed \$1040 a year extra for recording activity.

The season was lengthened from fifty-one weeks to fifty-two weeks, the additional week is a vacation week which was retroactive to September 10th, and bringing the total number of vacation weeks to seven.

We do not know yet how the society here plans to use the recording guarantee. The management said they were going to experiment with this sort of package and see how it works. Time will tell.

We acquired a five thousand dollar life insurance policy and thirty dollars per diem, instead of our usual twenty-five dollars a day, for cities of a million or more population.

All of these changes will be added to our old contract in which the wording will remain pretty much the same except for the clauses covering no-strikes and arbitration which are in the process of being re-worded.

I think the most notable thing about this settlement was the strength of the orchestra. The entire orchestra went on a three week blanket vacation, which ends our season with the attitude that we would definitely be out on strike as soon as the vacation was over and were going to stay out until we got what we wanted. One of the things that helped management to see how serious we were was that we refused to negotiate during our vacation time and thus leaving only a few days till the beginning of the next season.

Previous to the vacation, negotiations had been fruitless and when they heard nothing from us over the vacation time they knew we meant business.

This settlement was their first offer, after the vacation and except for a few changes the orchestra voted to accept it. I think the general sentiment of the orchestra was that management was trying to be serious about the offer and starting the new season on time and that it would be a particularly inopportune time to go out on strike since our newspapers were on strike and in general we felt publicity would be poor. Besides, trying to explain

why we turned down a ninety dollar raise over a three year span would be very difficult in these times.

Of course we are not entirely satisfied here. We had asked for three hundred the first year and only got two hundred-sixty. We feel we are still behind in salary compared to what we used to make but we think we can live with it for three years and then try again.

Warren L. Claunch, Jr.  
St. Louis Symphony Orchestra

## CLEVELAND SYMPHONY ORCHESTRA WINS ICSOM SUPPORT

The Cleveland Orchestra was the focus of an unprecedented action taken by the delegates to the ICSOM Conference held in Cincinnati Sept. 5 to 8, 1973. By unanimous vote of delegates from 30 orchestras present, a resolution was passed pledging full financial and moral support for the Cleveland Orchestra which is involved in difficult negotiations that will have a profound effect on present and future negotiations by all symphony orchestras.



*Cleveland Delegation receives ICSOM delegate contribution from Bob Maisel (right).*

Indicative of the delegates' spirit was the spontaneous collection of almost \$500.00 within 2 minutes.

Some of the measures discussed and agreed upon included: a special fund to be raised nationally by concerts (including a concert in Madison Square Garden combining area orchestras); national television exposure; union help locally and nationally; an issue of *Senza Sordino* devoted entirely to the Cleveland Orchestra's situation; contacts with professional, political and civic leaders; and other actions to be developed by the ICSOM Executive Committee.

Never in the history of American orchestras, nor in the 12-year existence of ICSOM, had such aid been pledged to an orchestra before the expiration of a contract. This dramatic action is being taken by ICSOM with the sincere hope that the Cleveland Orchestra negotiations with a management having a history of excessively hardnosed bargaining can be successfully concluded without a strike, demonstrating that a symphony orchestra which is an artistic ambassador to the world can be maintained in a manner befitting a vital national cultural asset and, further, not denied salary and fringe benefits negotiated by comparable orchestras.

It is the profound hope of the Cleveland Negotiating Committee and the delegates to ICSOM that a rational settlement can be achieved, consistent with the reputation and unique artistic abilities of the Cleveland Orchestra.

## BEWARE! THE YEAR OF THE TEST

### The N.Y.C. Opera Negotiates

On September 1, 1973, the New York City Opera was closed by a strike of its musicians, whose contract had expired at midnight on August 31. Why did we take this action? It was the opinion of the Union, the orchestra committee, and counsel Victor Rabinowitz that management had consistently refused to bargain in good faith.

In May 1973 management initially proposed a one-year extension of the existing contract. On August 22, when negotiations commenced, management proposed an actual eleven-week reduction in the work year, and maintained furthermore that that had been their position in May. This was the first time the Union had been notified of management's intention effectively to reduce the musicians' wages in order to reduce the deficit of the City Center of Music and Drama (parent organization of the Opera). From August 22 through 31, management refused to discuss any issues in the contract unless we accepted a cut in season as the basis for bargaining.

After the strike was in effect, management continued to refuse to bargain in good faith. At the end of the first week of strike, John V. Lindsay, Mayor of New York, appointed Harold Israelson to mediate the strike. It soon became apparent to the members of the orchestra committee and to the Union that the mediator was pro-management. By the end of the second week, many hours had been wasted in fruitless meetings. Management at one point "came off the dime" of insisting on the elimination of the eleven weeks' work; when pressed to convert this change of principle into an actual offer, management negotiators refused. The committee, with no real counter-offer yet presented by management, was bludgeoned by the mediator into negotiating with itself and reducing its demands. These reduced demands were presented to management's negotiators, who rejected them angrily, walked out of the room, and refused to talk further.

During the second week of the strike, it became known that negotiators for the Radio City Music Hall orchestra had agreed to some cut in their season. Our management insisted that the same principle should apply in our case. We replied that the Radio City settlement had no effect on the Opera negotiations, and that in any case, the details of the settlement were not known; furthermore, the Radio City orchestra would have to ratify whatever package was agreed upon. Radio City's ratification meeting was not scheduled for another five days, so our talks were adjourned until then. When it developed that the Radio City orchestra had won a larger money package than the Opera was willing to offer, management dropped the matter. They then proposed a package which would pay a weekly salary of \$310, \$315, and \$320 over three years, with extra weeks to number ten in the first year, five in the second, and three in the third. All other conditions were to remain the same. The orchestra rejected the package by a vote of 49-8.

By the third week, the pressure became intense. Management let it be known through the media that they were considering the cancellation of the season. Our attempts to have our side of the story put in the press were constantly thwarted. Distortions of fact and intent were made in every news story and editorial; when we wrote letters to the editors in reply, they were never published.

Finally, at the end of the third week, Phil Sipser was called in as "our" mediator, as opposed to "their" mediator, Harold Israelson. The committee spent the weekend of September 22 redrawing proposals to represent the "bare-bones" minimum that we felt the orchestra would accept. In a thirteen-hour bargaining session which took place at City Hall on Sunday, September 23, the issues were hammered out through the good offices of Mr. Sipser; the committee, the Union, and counsel Victor Rabinowitz agreed to recommend the final package to the membership. The package was ratified the next day by a vote of 54-5. Weekly salary increased from \$300 to \$310, \$325, and \$340 over three years; there was a slight improvement in fringe benefits. The extra weeks remained at eleven throughout the contract. Also, a system of admission into the "regular" orchestra (those who receive the extra weeks) was instituted for the contract category of "regular extra" players which was based on seniority rather than chair position. One of the main bones of contention throughout the negotiations was our insistence in improving the condition of these "regular extra" players, who for years had been doing only two-thirds of the season.

ICSOM members will be interested to note that the law firm which represented management (Proskauer, Rose, Goetz & Mendelsohn) also represents the managements of: the Radio City Music Hall; the New York Philharmonic; the Museum of Modern Art. Their tactic is to scare the employees with talk of "no money," then force the employees to fight with their backs to the wall just to retain hard-won past benefits.

We at the Opera felt that this negotiation was different from past ones in that we seemed to be dealing with people who didn't really care about the arts. The producers and directors were overruled by the lawyers and members of the Board. It is evident that the Board simply doesn't want to raise more money, and has decided to put a stop to the improvement of conditions which musicians rightfully demand. This year is the year of the test. Beware, all of you!

*Richard Johnson*  
*N.Y.C. Opera Orch. Comm.*

### DALLAS SIGNS ONE YEAR PACT

The Dallas Symphony Orchestra Committee gave our contract proposals to management in April, 1973. A week before our season was to start, September 11th, we started negotiations. Their first proposal was taken to the orchestra twice and was voted down each time. We went down to the wire and our first services were for a benefit concert with Arthur Fiedler for one of the theaters in Dallas. The orchestra voted to do the services gratis and not under the auspices of the Symphony Association. We gained excellent publicity from this. The next day we brought our lawyer into the negotiations and the Symphony Association came up with another offer which the orchestra ratified a half hour before the first subscription concert rehearsal on September 14th. The settlement was for one year at \$250 per week, 42 weeks, 4 weeks of paid vacation and full payment of medical insurance by management. Per diem was raised to \$17 a day with management paying for the hotel. The opera contract, which adds five weeks to our season, is still under negotiation.

*Betty Patterson*  
*Sec'y of the D.S.O. Orchestra Committee*

### NEXT ISSUE:

SENZA SORDINO will contain negotiation resumes from the Chicago, Minnesota, Buffalo and Denver Symphony Orchestras. Hopefully, others will be available.

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