

# Senza Sordino

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## 1982 APPROPRIATIONS TO NEA CUT

After considerable agonizing and almost a year of lobbying, the orchestra community learned in December that the appropriation for the National Endowment for the Arts would be \$143.04 million dollars for the fiscal year 1982. This represents a ten per cent cut from the 1981 appropriation of \$157.6 million.

It was the first cut in funds since the inception of the government program of arts funding. The amount appropriated stands as a hollow victory even though the initial budget proposal for the NEA by this administration was only 88 million dollars in February of 1981. Worse news is that one can expect another assault on the NEA subvention for FY 1983. Hearings on the new budget begin this spring.

The Orchestra Program of the NEA will receive \$8,750,000, this year, down from \$10,088,450 in 1981. This represents a 13% cut.

In regard to the above information it may be of interest to some to know the procedure for "slicing the pie." The National Endowment for the Arts was created in 1965 as an independent agency of the government to encourage and assist the nation's cultural resources. Basically its goal is the fostering of professional excellence of the arts in America, to nurture and sustain them and equally, to help create a climate in which they can flourish.

Awarding the money appropriated each year is a function of the NEA. The money is divided among the many arts disciplines, not only the music field but the visual arts, theater, folk art, design arts, dance, among other disciplines. Awards are also designated for Special Projects.

Half the money available to the NEA goes to the States where it is funneled through State Arts Agencies and the other half is awarded to the various disciplines through the deliberation of "citizen panels" which meet in Washington at least once a year to process grant applications. These "citizen panels" are a broad representation of individuals who have a deep interest in their particular field and who have been appointed through the office of the Director of that particular Arts Program of the NEA. In the case of our orchestras, through the office of Ezra Laderman, Director of the Music Program.

The orchestra panel consists of between ten and twelve members. They include managers, conductors, musicians (this year Fred Zenone and Henry Shaw) and several in fields peripheral but closely related to the production of the orchestral product. This body not only processes the grant applications of over 200 orchestras and considers applications for various Special Projects but also makes recommendations for changes in the guidelines upon which applications must be developed.

This is not done in a void. The panelists were privy to the input of Ezra Laderman, Adrian Gnam, Ass't Director of the Music Program, and Jan Stunkard, Orchestra Program Specialist.

(Mr. Laderman has recently resigned his post as Director of the Music Program.) Aside from the work of the panel, twelve Regional representatives in various sections of the country provide information services to artists, Arts organizations and agencies, and to the NEA as well, functioning as resource people and communications links.

The procedure is so effective that a Presidential Task Force investigating the agency this past year with "overhaul" in mind, found little to criticize. The nagging question remains the ability of the NEA to function effectively in the face of the threat of continuing decreases in its operating budget and shrinking appropriations for our Arts institutions.

### READ IT AND WEEP DEPARTMENT

A recent news release from Congressman Fred Richmond's office bears out the information contained in a *New Republic* article by Eugene McCarthy. The release states:

*"Once again, the Administration has chosen to increase the budget for military bands while slashing the funding of our vital arts program. If these recommendations are approved, the military bands budget, currently at \$92.8 million, will increase to \$95.5 million. This would mean that our military bands program will have increased by 17 per cent in the last two years while our national arts endowment will have been depleted by 37 percent in the same period."*

The January issue of *The New Republic* states that the new military budget for military bands contains more money than the entire budget proposed for the NEA. It also says that the three full military bands in the Washington area each have a larger budget than the National Symphony Orchestra. (It kind of makes you choke up a little, doesn't it?)

### BITING THE BULLET

Five days after the cancellation of their season, the Kansas City Philharmonic was back at work on February 25th. A local philanthropist will underwrite any deficit incurred for the present season. It would appear that the fate of the 1982-'83 season rests on the Board of Directors' ability to increase the orchestra endowment fund substantially.

The nine week summer season of the San Diego Symphony has been cancelled. However, a one year contract has been agreed to which will raise the minimum salary in the 1982-'83 season from \$395, this year to \$430.16. Paid vacation has been increased to two weeks. The readjustment in the length of this season will result in a loss of \$3,555. for each scale player.

## DONAHUE SHOW SLURS MUSICIANS

Apparently symphony orchestras have become the butt of derogatory remarks on the Phil Donahue Show of late. Helen Hollander, a violinist with the Kansas City Philharmonic, has taken exception to the disparaging remarks made recently in regard to symphony orchestra "page turners" and decided to respond personally to Mr. Donahue. Her letter appears below.

Phil Donahue Enterprizes  
Box 2111  
Cincinnati, Ohio 45201

Dear Mr. Donahue,

*I admire the scope of your program which reaches a large cross section of Americans, is tremendously effective and, in these times, important.*

*For this reason I am asking you, please, to stop attacking professional symphony orchestra musicians, specifically their piano players (today it was a cymbals player) for having "a man just to turn their pages." I know, it makes good copy but it is unfair and gives a bad impression, especially since we are the smallest branch — known as ICSOM (The International Conference of Symphony and Opera Musicians) — of a very small and not very powerful union. My husband, principal cellist in the Kansas City Philharmonic, has paid a plumber's man who hands over the tools, more than he himself earns performing on an instrument valued at one hundred thousand dollars. My plea, of course, is not that you attack plumbers, only that you give symphony orchestras a break; they need it these days.*

*As to page turners, very few orchestras are that wealthy. As a member of our K.C. Philharmonic for thirty three years, I can assure you it has never happened . . . nor in most orchestras, for my colleagues, like me, have come from other orchestras and other countries. It is the duty of the librarian to hand copy extra pages for solo instruments so that the music can be pushed over during rest measures; it is also the duty of a percussion section leader to assign parts so that one player will be free to turn while another is playing.*

*I would like to suggest that you feature on one of your programs the plight of the arts and particularly of orchestras, those non-profit organizations, the non-essential frills of living. Don't wait for the next strike by one of "the biggies." For many years our orchestra has run out of money in mid season; ticket holders are reimbursed but school children suffer; and of course the musicians' contracts are cancelled — including payments on health plans. Musicians have rent to pay, sometimes babies on the way. Those with scarcely enough money to go elsewhere for the rest of a season, live with relatives. Unemployment is high everywhere now, but our members, with educations and instruments equivalent in value to that of a doctor, have always known crises. My husband once sanded floors in a bakery where the man before him had lost two fingers on the sanding machine. There are many such stories that would be of interest to tax payers, and there are major symphonies besides the Chicago Symphony, some touring the world, others bringing live music to school children in every state and rural community of our country. For further information you could contact both the American Symphony Orchestra League, which represents management, and ICSOM, which represents professional symphony orchestra musicians. People from these two organizations would have interesting comments — sometimes conflicting — and questions to put before your audiences; for example, a discussion of the amount our government spends on army bands compared to the resources of the National Endowment for the Arts under Reaganomics.*

*We're small, as I said before, but we do a very big job, and board members work very hard too. As a sample of our orchestra's efforts to cooperate, I am enclosing a copy of a little book we*

*musicians published here in Kansas City and sold to raise money for children's concerts.*

*Best of all, come to Kansas City and let us play for you. If we stay alive, we will celebrate next year our Fiftieth Anniversary.*

Very sincerely,  
Helen (Mrs. Norman) Hollander

## American Federation of Musicians

Musicians' Union, Local No. 6

APPLICABLE TO THE MUSICIANS OF L. C. I. O.

280 JONES STREET, SAN FRANCISCO, CA. 94102-2691  
TELEPHONE (415) 776-8118

March 29, 1982

Mr. Charles Underwood  
Baltimore Symphony Orchestra  
c/o Senza Sordino  
1577 Elizabeth Place  
Cincinnati, Ohio 45237

Dear Mr. Underwood,

I have just read the extra edition of Senza which contains the story of your orchestra's magnificent stand.

First, allow me to congratulate you on your writing of the story; it is cogent yet fascinating.

It should be studied and analyzed by every orchestra and kept available as a guide.

Please accept my heartiest congratulations for a job well done to your Players' Committee and to your orchestra. At the same time, please convey to your colleagues my sincerest thanks for your help and assistance to the musicians in San Francisco, this local, and to every negotiator involved in performing arts Collective Bargaining Agreements.

Warmest regards,

J. J. Spain  
President  
Local 6 AFofM

JJS:cf

OFFICERS: J.J. Spain, President • W.J. Catalano, Sr., Vice-President • Don Menary, Secretary-Treasurer

## DENOV REPORTS ON LAWSUIT

*Ed. As requested by Sam Denov, this article is reprinted in full. Complying should not be regarded as an endorsement of the views expressed.*

In accordance with a promise made in my report to the delegates attending the August, 1981 ICSOM conference in Milwaukee, Wisconsin, the following report should bring all readers of *Senza Sordino* up to date.

Regretfully, the lawsuit filed in U.S. District Court in Chicago by my colleague Burl Lane and me in December, 1980 has been decided in favor of the AFM. Since our legal counsel and neither of us as the plaintiffs agree with the court's reasoning in our case, we have already filed a notice of appeal in order to bring the matter up for review before the U.S. Court of Appeals for the 7th Circuit. To understand what the issues are, a brief summary of our contentions and the court's findings are necessary.

In our three count complaint against Chicago's Local 10-208 and the AFM, we alleged that the June, 1980 convention's adoption of the 1% Federation Work Dues by a voice vote and its implementation by our Local violated various sections of the Bill of Rights of Members of Labor Organizations contained

in the Labor-Management Reporting and Disclosure Act of 1959 (the Landrum-Griffin Bill). The sections we alleged were violated provide for 1) equal rights for every union member, 2) the procedure for adopting dues increases for locals, and 3) the procedure for adopting dues increases for national or international unions.

Clearly, Count I of our complaint was the most important because it attacked the entire convention procedure for adopting this raise in dues. We alleged that in a voice vote, as opposed to a roll call vote in which local delegations vote their entire per capita memberships, the AFM's method of allocating delegates served to deprive the members of our Local of the right to equally participate "... in the deliberations and voting upon the business of such meetings ..." as required by Section 101(a)(1) of the Act. That right is subject to "... reasonable rules and regulations ..." in a union's constitution and bylaws.

The case was assigned by lot to U.S. District Judge Milton I. Shadur, who ruled in June, 1981 that Counts II and III must be dismissed. However, he denied the AFM's motion to dismiss our Count I, stating that "In short, the question is whether AFM's representation scheme is, for Section 101(a)(1) purposes, reasonable."

We had claimed, and the AFM could not deny, that their representation scheme gave all locals with over 600 votes each, only 37% of the convention's delegates, although those locals include 67% of the AFM's total membership. As members of a large local with 11,156 members, we were represented by only four delegates who, in a voice vote, have one vote each. Four small locals, with less than 200 members each, had the same number of votes on the dues raise question as Local 10-208 with its 11,156 members.

By late summer, because of Judge Shadur's enormous case load, our unresolved case was put back in the hopper and reassigned to U.S. District Judge James B. Parsons. In Judge Parsons' recent decision, he found that the AFM's procedure that resulted in the dues increase was "... unreasonable." He even found that "It defies simple fundamental fairness." Nevertheless, he granted the unions' motion for summary judgment!

Judge Parsons did not cite a single earlier court decision to support his ruling. If you are puzzled by this reasoning, so are we. Because the decision does not make any sense, we are compelled to take the case up on appeal.

We are naturally dismayed to have lost this first skirmish, but the battle is far from over. We understand the court's reluctance to interfere in the methods by which American labor organizations conduct their internal affairs, unless a clear and compelling need is shown. We believe this attitude on the part of federal courts is proper and commendable. But we also believe that we have carried our burden to show a clear and compelling need for the court's intervention in this case.

When the vast majority of our members are discriminated against in their right to be fully represented in the deliberations that take place at our conventions, particularly with respect to a raise in dues, we contend that the court has a duty to intervene in union affairs in order to restore and safeguard the membership rights Congress granted us in 1959.

A full report will appear in *Senza Sordino* when the results of our appeal are known.

*Sam Denov, Chicago Symphony Orchestra*

## ROCHESTER ORCHESTRA MEMBERS WIN SIX LOCAL NO. 66 POSTS

The Rochester Philharmonic Orchestra has succeeded in placing five orchestra musicians on the seven-member Executive Board and capturing the Vice-Presidency of the Rochester Musicians Association, Local #66 of the A.F. of M. The new Vice-President is orchestra committee chairperson Richard Jones and the five orchestra members on the board are David Angus, William Cahn, Cynthia Hammer, John Lillard and David Richey. This action at the biannual election held February 21, 1982 was prompted by the resignation/retirement of long-time President Joseph DeVitt. In DeVitt the orchestra members felt they had a good and responsive leader — an effective negotiator on their behalf in dealings with the Orchestra Board and Management and a fair representative of orchestra musicians' interests within the union. Individual orchestra musicians had occasionally held positions on the union board furthering orchestra input into union matters. But with DeVitt's resignation it became necessary to take action to insure that orchestra priorities would continue to receive appropriate consideration within the union.

Before January 1, 1981 there were no work dues in the Rochester local. The orchestra musicians chose to solicit only minimal orchestra expenses from the union as long as they were assessed only the \$76.00 annual dues required of all musicians in the local. Even so the annual dues formula was not keeping pace with union expenses, resulting in an inadequately funded local operation and a growing deficit. Therefore the Federation imposition of the one percent work dues, as in many locals, came as a fortuitous solution to the financial problems, but of course the greatest burden was placed on the only substantial group of full-time musicians, the orchestra. Now that the orchestra musicians are paying an inordinate proportion of the dues and the deficit has been nearly erased, the election was the orchestra's way of guaranteeing that its monies be spent to its benefit.

The election success was accomplished first and foremost by organizing the orchestra musicians themselves to insure the total impact of their constituency through absentee balloting and election day turnout. Because orchestra musicians represent a decided minority of the total local membership, the orchestra slate of candidates appealed by letter to the entire membership of the local for support, emphasizing its intention to do a conscientious job on behalf of the entire local. This appeal obviously struck a responsive note within the union as the election success required that the orchestra slate receive many votes from the general membership. All members of the orchestra slate were elected.

The new union board has begun its work of revitalizing the local in the spirit of total cooperation. There seems to be no resentment from the old guard of union leadership but rather a realization of the need for change and recognition of the fact that the orchestra is the one strong and effective unit within the local whose enthusiasm and conscientiousness can well serve the entire union. The board is beginning its term by concentrating on improving the effectiveness of the overall operation — moving and reorganizing the office, improving communications with the members, providing other needed services to the membership and creating a positive image for the union within its ranks and also within the community. In so doing the orchestra members on the board recognize that an improved union will be a better agent for the musicians of the Rochester Philharmonic Orchestra.

David Angus,  
ICSOM Representative  
Rochester Philharmonic Orchestra

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Henry Shaw, Editor—Mailing Address: 1577 Elizabeth Pl.,  
Cincinnati, Ohio 45237.

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## MUTUAL FUND TSRP EXPLAINED

Members of ICSOM should be made aware of the following important legislation regarding Tax-Sheltered Retirement Plans under 403(b)(7) of the Internal Revenue Code. Although this section was added to the Code in 1974, it has only recently come to our attention. (Needless to say, our insurance company "agents" have not been too anxious to spread this information, for obvious reasons). Here goes:

Besides using an insurance carrier to be the repository of a TSA fund, with eventual purchase of a life annuity, eligible employees may also purchase mutual fund shares in special Custodial Accounts available thru various investment company "funds." If your employer is willing to periodically send your weekly salary deductions to the "fund," all the accumulations, dividends, interest and/or capital gains earned are 100% tax-sheltered (deferred) until withdrawal is made, provided the amount contributed does not exceed your "exclusion allowance" (Maximum).

Some of these mutual funds are no-load — which means that, except for a nominal set-up fee of approx. \$10, there are no commissions, sales charges, brokerage fees, front-end costs, rear-end costs, etc. Transfers, or "rollovers" may be made at any time from one fund to another, either inside or outside the investment company. For example, the Vanguard Group of Investment Companies is a jointly-owned subsidiary of 14 no-load mutual funds. Under the 403b7 section of the law, they have set up The Vanguard Tax-Sheltered Retirement Plan and Custodial Account. Through your employer you may select any one of their 14 different funds to begin a TSRP and CA. Once you are in, you may move your accumulations to any other of their funds, from time to time. A number of participants in the New York Philharmonic have stopped payments to their old insurance funds and begun new ones in the Federal Portfolio (gov't-backed securities) of the above Vanguard Group. There are other investment groups besides the Vanguard Group which are similarly set up for this plan.

Basic differences between an insurance company TSA plan and an investment company mutual fund TSRP are:

- | <i>Insurance company</i>   | <i>Mutual fund</i>  |
|--|---|
| 1. Interest <i>fixed</i> each year for entire year.  | 1. Interest fluctuates up or down continuously.   |
| 2. Front load in some cases.   | 2. No front load (nominal set-up fee)   |
| 3. Rear-end penalty for "early" withdrawal.  | 3. No penalty or charge for withdrawal AFTER age 59½*.  |
| 4. Offers <i>ANNUITY</i> options at time of systematic withdrawal of accumulated fund.             | 4. No annuity; but systematic withdrawal pay-outs must begin BY age 70½.  |
| 5. Transfers ("rollovers") usually entail interest "penalty" from the departing insurance company. | 5. Free transfers into or out of mutual funds.  |
| 6. Generally, annual reports.  | 6. Confirmation statements after every transaction (deposits). Generally, also quarterly statements showing total balances. |
| 7. Fixed investment pattern.   | 7. Flexible investment pattern. Your own choices: gov't. securities, equities (stocks), bonds, money market, etc.           |

\*The penalty imposed BEFORE age 59½ for early withdrawal in the mutual fund plans is quite severe and is imposed by the IRS, not by the Fund. Remember that these are RETIREMENT plans we are discussing, not SAVINGS plans. Young people should therefore consider carefully the concept of "locking in" funds which are not meant for use before age 59½.

*Myor Rosen, N.Y. Phil. TSA Committee*

## WAGE CHART CORRECTION

Due to misleading information provided, the Wage Chart information pertaining to the Cleveland Orchestra in the April issue of *Senza Sordino* is not correct.

The Cleveland Orchestra, for the 1981-1982 season receives two increments of \$580. and \$610. The current minimum weekly wage is \$610. through August. The annual wage will be difficult to adjust since the issue of wages will be reopened soon, but for all intent and purposes the two increments produce an annual guaranteed salary of \$30,940. rather than the listed number of \$29,120.

It should be remembered that the accuracy of the Wage Chart published in *Senza Sordino* is subject to the information gathered at the annual ICSOM convention and filled in with data from past issues of *Senza Sordino* and the A.F. of M. Wage Chart. Delegates rely on their memory in many instances so that the convention data is apt to be the least accurate. We will gladly print corrections as the errors are brought to our attention. They are few. However, in the interest of providing you with the chart as quickly as possible, we ask that our members understand the occasional problem that may surface in regard to the figures printed.

## FROM THE EDITOR'S DESK

In the October 1972 issue of *Senza Sordino* I wrote, "the horse is running once more but there is a new jockey. Your delegate has placed in my hands the task of producing *Senza Sordino* this year." It is hard to believe that ten years have passed and that by the time this volume of *Senza Sordino* is completed, sixty issues will have been pasted up at this desk and mailed to the printer.

This will be my final year as editor. I shall not seek re-election. It has been a rewarding ten years. The work entailed in delivering *Senza Sordino* into your hands every eight weeks has been more than compensated by the satisfaction derived in meeting the challenges of the task; by affording me a new and challenging avenue for self-expression; for allowing me to develop new and lasting friendships and for enabling me as a member of the Executive Board to be closely involved in one of the loves of my professional life, ICSOM.

However, at some time the old order must pass, giving way to the new, so I, in behalf of the ICSOM Executive Board extend an invitation to those of you who have a desire to serve this organization and an ability to write, to place yourselves at the disposal of your colleagues as the new editor of *Senza Sordino* by allowing your name to be placed in nomination for that office at the ICSOM convention in Los Angeles in August.

I will be pleased to be of assistance in expediting the transition from this editor to a newly elected one so that the flow of information to our members is in no way hampered. Lastly, my thanks to all of you who have taken the time to contribute to the pages of *Senza Sordino* over the years. Your words have enriched its pages.