

# Senza Sordino

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## NINE DAYS IN DECEMBER

### STRIKE AND SETTLEMENT IN DETROIT

Negotiations between the musicians and management of the Detroit Symphony Orchestra began in June of 1982 and were concluded on December 18th after a turbulent, highly publicized nine-day strike.

As the expiration of the old contract neared, we judged management's economic offers decent enough to merit an extension of the contract. However, negotiating meetings held during nearly twelve weeks of playing and talking proved fruitless. Management would not offer a final contract which would keep Detroit in a respectable comparative position among major American orchestras. Consequently, on November 30th, the negotiating committee announced at a press conference that the orchestra had voted unanimously to inform management that, unless they changed their position significantly, the musicians would strike at 2:00 P.M. on December 9th, targeting the Corporation's profitable December holiday concerts and year-end tax write-off contribution revenue.

There were three main issues which compelled the orchestra to strike. The first issue was pension, which management had refused to improve over the proposed three-year term of the contract. The second was a newly proposed clause which would allow management to cancel all or any part of the season on four weeks' notice with no legal recourse to the musicians. The third issue, the one which received by far the most publicity, was a clause, included in the last contract, which permitted the Corporation to hire the new music director only from a list of conductors deemed qualified for the post by the musicians of the orchestra. This clause, creating unprecedented input by the musicians on the impending choice of Dorati's successor, had been acceptable and thought a healthy concept by management at the time it was negotiated. Since then, however, a new chairman of the board and a new manager had taken over, and both were determined to do away with the clause on the grounds that the selection of a music director should be management's exclusive right.

During the strike there was widespread public interest in this controversy, with the musicians maintaining that it was artistic nonsense to leave the selection of the DSO music director, the most important musical position in the community, entirely up to a group of non-musicians. The board of directors, for their side, controlled the editorial columns of the newspapers and published some opinions which denounced the musicians' position. One editorial in the Detroit Free Press compared musicians having a voice in the selection of their music director to "patients selecting the head of the mental institution in which they are being treated."

We responded to this appalling display of ignorance and poor taste by writing our own letter, signed by the orchestra and published by the Free Press, which held that it was hardly possible for the editorial staff of the Free Press to be objective

since many of them were either members of, or strongly influenced by personal associations with, the DSO board. The letter named a number of individuals who indeed held such conflict-of-interest positions. In addition, a torrent of letters to the editor from the public and from individual musicians, many of which letters were published, effectively countered the board's malicious insults. Meanwhile, we mounted our own publicity campaign by distributing throughout the metropolitan area thousands of leaflets which explained our position and which urged continued active public support for our cause.

The morale, support, and unity of our musicians were magnificent. A number of strike committees within the orchestra functioned with amazing resourcefulness and efficiency. A standards committee designed banners, signs, and pickets. A media committee contacted local and national media representatives to inform them of our press conferences, convey to them our press releases, and arrange interviews with our negotiating committee. An entertainment committee provided refreshments for the orchestra during strike meetings and for media persons at press conferences. Another valiant group of musicians distributed large numbers of attractive boxes of our leaflets at record stores, banks, restaurants, and other public places throughout the metropolitan area. A speakers bureau advertised free chamber music mini-concerts to any sizeable organization that would also listen to a presentation of the musicians' views and perspectives of the strike. A concert production committee planned and implemented strike concerts with awe-inspiring deftness and creativity. For example, YOUR-DSO, (967-7376), was the telephone number the committee established for ticket orders to what would have been a series of strike concerts had there been no settlement.

The crowning achievement of our concert production committee was a concert on December 21st, scheduled as a fundraiser for the musicians' group medical insurance premiums, which amounted to almost \$20,000 a month and which management had refused to pay at the onset of the strike. For this concert, native Detroit Joseph Silverstein consented to return to his home town to assist the DSO musicians by performing the Beethoven Violin Concerto and conducting the Tchaikovsky Fifth Symphony. Fate dealt us a happy hand, however, in that three days before this date, the contract was settled, so that what was to have been a strike concert became instead a celebration concert. The evening was a conspicuous success, and we were left with an everlasting debt of gratitude and appreciation to the eminent conductor-violinist Joseph Silverstein and with enough revenue to cover our insurance bills. The concert was recorded and broadcast on a widely known classical FM radio station the following weekend.

(Continued on Page 4)

## LIFE IN THE SYMPHONY DEPARTMENT: A REPORT TO THE ICSOM ORCHESTRAS

After a month on the job here in my AFM Symphony Department office, I'm pleased to report that things are rapidly moving ahead. It's become very clear that the Federation wants this office to function effectively in serving orchestra musicians and their local unions. Everyone from President Fuentealba on down has been extremely helpful and cooperative. With their assistance and yours, the Symphony Department will become ever more useful.

With the help of my secretary, Aida McAvoy, I've been able to bring much material up to date. The file of current orchestra contracts is complete except for a few small orchestras. Records of AFM Strike Fund payments are in order. The 1981-82 media activity chart has been completed and sent to all ICSOM delegates.

Several new projects are under way. An index and summary of the audio-visual contract is being prepared by Maynard Yost, our new administrative assistant. A file of arbitration awards has been started, and I am requesting all such material available, no matter how dated, from all ICSOM orchestras and locals as well as from ICSOM legal counsel. A request has also been made for locals to send pension documents pertaining to symphony orchestras in their jurisdiction. Eventually I can begin indexing these and other materials for rapid access.

I have prepared a model contract for use by smaller orchestras which presently have no formal agreement between players and management or which need to update their present document. Strong clauses were extracted from existing contracts for use in the model contract, which was then redrawn for internal consistency and sound structure. A working manual to accompany the model and to assist in its use is in preparation. Thanks to Marvin Howard, assistant to President Fuentealba, for his help in this project.

Ted Dreher, who ran this department for years, has once again agreed to prepare the annual A and B charts of wages and working conditions in the major orchestras. As of mid-March, he still had not received forms from many orchestras. Please help! The charts must be accurate and complete in order to be useful, and the sooner they go out to our members, the better for all of us.

I am on the phone much of the time answering questions from locals and musicians. Providing information is a major purpose of this department. Having up-to-date files, models, and manuals is pointless unless people use them. I want to know your problems, your concerns, your needs, and I in turn need information you can provide. You can write to me at the AFM Symphony Department, 1500 Broadway, New York, NY 10036, or call me at 212-869-1330. I hope to hear from more and more of you as the department's activity increases.

*Lewis Waldeck*

## ZENONE LEADS WORKSHOP IN INDIANAPOLIS

Because the members of the Indianapolis Symphony Orchestra wanted to gain a better understanding of the resources offered by the International Conference of Symphony and Opera Musicians, we invited ICSOM Chairman Frederick Zenone to come to our city for a 1½-day workshop on February 22 and 23. On the first day, Fred led sessions on committee administration, collective bargaining, and the symphony orchestra as an institution. The next day, the orchestra met during a lunch break between rehearsals to hear Fred summarize the main ideas of the workshop sessions and to speak on the goals of ICSOM and its role as a network of support. The meetings included questions and discussion.

The session on committee administration offered ideas on the roles of the orchestra committee with the musicians and with management. Because we have regular meetings with our management in Indianapolis, we were especially interested in examining the committee's role in holding dialogue with management. Also discussed in this session were successful conduct of orchestra meetings, internal dynamics of the orchestra, orchestra committee relations with ICSOM and with the AFM, and committee finances.

Although the session on collective bargaining offered much helpful information on this important subject, the session entitled "Understanding Your Institution" was perhaps the most relevant and engaging for us. We found it valuable to examine board and executive committee functions, management organization and style, and the orchestra's place in the community. We were especially eager to have some creative thinking about board and orchestra relations because we have a newly formed orchestra relations committee this season and value the dialogue and participation this committee offers.

Feedback from orchestra members was generally positive. Many expressed satisfaction with the workshop and said they were grateful for the information it presented and the ideas it stimulated. We feel that the workshop provided to our entire orchestra the kind of information, stimulation, and collective awareness that the annual conference offers but only to one or two delegates from each orchestra. We think the workshop is a valuable resource that other orchestras might well want to use.

*The Indianapolis Symphony  
Orchestra Committee*

## A TAXING PROBLEM

*A Message from ICSOM Chairman Frederick Zenone*

Every so often a musician or group of musicians in one of our orchestras identifies an injustice that is so compelling that we wonder why we ourselves have not been leading the charge to right the wrong. We presently have just such a case.

Three Metropolitan Opera Orchestra musicians believe they should be allowed a deduction, on their federal income tax returns, for a home music studio used only for practicing. They took their case to tax court, and they lost. However, six judges strongly dissented from the majority opinion, and the case is now under appeal in the United States Court of Appeals for the Second Circuit, located in New York.

This particular tax deduction is one which many professional musicians consider each year when preparing personal income tax returns. Those who have tried to claim this deduction in the recent past know how it feels to have this claim unfairly rejected. Many musicians would benefit if this case were to be won on appeal.

Litigation is a costly process. The three Met musicians have spent considerable time and money in the lower court pleading their position. Your ICSOM officers feel they should not continue to go it alone. We feel it is in the best interests of our members that this case proceed in the federal court of appeals, and with ICSOM support. ICSOM has retained a firm of tax attorneys to handle the case.

Each member orchestra will soon receive from the chairman of ICSOM a letter more fully explaining the situation and will receive a summary of the case from ICSOM legal counsel. The letter will ask your orchestra to make a specific but modest contribution from its treasury to help fight this case. We know you will respond quickly and affirmatively.

# BRITISH STUDY CONFIRMS NIHL DANGER

Henry Shaw

A study, *Noise-Induced Hearing Loss and Orchestral Musicians*, appeared in the December, 1981, issue of the physicians' magazine, *Archives of Otolaryngology*. It was submitted by Graham A. Westmore, Pilgrim's Hospital, Boston, Lincolnshire, England; and Ian D. Eversden, Atkinson Morley's Hospital, Wimbledon, London. Cooperating in the endeavor were the management and musicians of the British Broadcasting Corporation Symphony, the London Philharmonic, the London Symphony, and the Royal Opera House Orchestra.

Sound pressure levels (SPL's) were recorded during performance, and audiometry was performed on 34 musicians to determine the incidence of noise-induced hearing loss (NIHL) incurred by these musicians.

First the bad news. Yes, the conclusions reached indicate that orchestral musicians can be exposed to damaging SPL's, and hearing loss in fact frequently develops. The good news is that such hearing loss is generally slight; testing plus discussion with tested musicians revealed no cases of permanent disablement or inability to continue working.

SPL's were recorded while the following works were being performed. Bruckner's *Symphony No. 8*, Mozart's *Symphony No. 35*, Ponce's *Guitar Concerto*, Britten's *Billy Budd*, Prokofiev's *Romeo and Juliet*, and Bantock's *Omar Khayyam Suite*.

While concentrating on loud music as other studies have, this study sought a balanced view of the overall sound levels to which a musician may be exposed daily. The Mozart and Ponce works create no hearing hazards, but a day of playing the Bruckner *Symphony No. 8*, a more sound intensive work, is a different matter.

The Westmore and Eversden study points out that the symphony musician rarely experiences SPL's above the damage risk criteria of the U.S. Department of Labor (90db). When they do occur, they are in short peak situations. These periods are "akin to the impulse noises in some industries," according to the study.

The players tested complained mostly about high frequency sounds from such instruments as the triangle, piccolo, and anvil. High frequency sounds in the 2 to 3 kHz range are recognized as the most damaging to hearing. *The study reads, "in general, the players subjective assessment of loudness, such as in the Romeo and Juliet, which had been singled out as being excessively loud, proved to be no more loud than the average. We had wondered whether the noise levels in the pit of an opera house would be magnified by the enclosed conditions, but the noise levels proved to be no different than those of the concert hall, possibly because of the dampening effect of clothing on sound within the confined space available."*

While one might assume that the incidence of NIHL certainly will vary from orchestra to orchestra, what really matters according to the study is that it is clear that a degree of NIHL can occur among orchestral musicians. Audiometry revealed that the most severe examples of NIHL occurred in the members of the woodwind sections. This is certainly logical because they sit directly in front of the brass and percussion players. However, although more severe, the overall incidence of NIHL was no greater than among the orchestra in general.

It was suggested that while ear plugs are used (cotton is relatively ineffective) they can create a problem at rehearsals when communication between musicians and conductor can be jeopardized. The study found that raising the percussion and brass sections to a higher seating level alleviated the SPL problem to a degree. In orchestras where that policy is in effect, ear plugs

have virtually been eliminated. Decreasing the reflective properties of the stage and auditorium is helpful only in part, and this is apt to adversely affect the acoustic properties to the disadvantage of the audience.

We repeat the conclusions reached by Westmore and Eversden that the orchestral musician can be exposed to potentially damaging SPLs and that hearing loss may frequently develop; that with few exceptions the hearing loss was slight and that the results after all phases of the study were complete and examined showed no cases of permanent disablement or ability to continue working. They say further that "unfortunately, the effects of noise and age on hearing are additive, and a minor asymptomatic hearing loss sustained early in a working career may become substantial later in life. In short term, it is unlikely that any musician is going to be prevented from continuing his artistic career."

The Westmore and Eversden study concerns itself purely with sound pressure levels and the potential damage to hearing. In that context the conclusions reached are of significant interest. While high noise levels may not be life threatening or even career threatening, one must still consider other aspects of the effect of stage noise on the orchestral musician. Noise is a long range cumulative stressor as we have stated previously (*Senza Sordino, December, 1978*), and the evidence of stress related illness due to noise is impressive though still in need of further study.

We agree that the nature of our music making and the artistic considerations involved in performance limit what can be done to reduce sound levels; however, we write to keep you informed and aware of the problem and its danger, and to urge you to speak out in your own interest whenever you are confronted with sound problems on stage. Our thanks to Graham A. Westmore and Ian D. Eversden for concerning themselves with the issue, especially to Mr. Westmore, with whom we have corresponded on various occasions while the study was being prepared and who listed *Our Decibel Dilemma, Senza Sordino*, and the study by our colleague in the St. Louis Symphony Orchestra, James Meyer, *A Study of Noise Levels in Symphony Orchestras*, as reference sources.

## DIALOGUE

Members of ICSOM's Executive Committee traveled to Orlando, Florida, for a meeting on February 7 with the Major Managers Committee for Liaison with ICSOM. Attending for ICSOM were Chairman Fred Zenone, Vice-Chairman Brad Buckley, Secretary Nancy Griffin, and *Senza Sordino* Editor Tom Hall. Managers in attendance were Committee Chairman Henry Fogel of the National Symphony, Stephen Klein of the Denver Symphony, Gideon Toeplitz of the Houston Symphony, and Albert K. Webster of the New York Philharmonic.

Various topics of mutual concern were discussed to advantage in an amicable and nonconfrontational atmosphere. Agenda topics included release of ICSOM delegates from orchestra duties so they may attend ICSOM conferences, pooling of orchestra insurance policies, current audition practices, exchange of musicians between orchestras, and the role and functions of personnel managers.

The meeting was the second, and more substantial, of its kind, and it held promise for similar productive encounters in the months ahead.

Central Florida weather was damp, overcast, and cool, and musicians had no time to visit Disney World before returning to home orchestras and professional duties.

**DETROIT SYMPHONY ORCHESTRA***(Continued from page 1)*

The settlement was the result of a fifteen-hour mediation session which concluded at 1:30 A.M., December 18th. Of the three main issues which had caused the strike, pension was increased from \$10,000 to \$14,000 by the end of the contract, the financial cancellation clause was dropped by management, and a compromise agreement was reached on the music director selection clause: a vote of the entire board of directors is necessary to break a deadlock of the conductor search committee, which comprises three musicians and three board members. The compromise is important because it maintains significant musician input in the music director selection process, it allays the board's unnecessary concern over who possesses final authority as well as their fear that we musicians might assume a dictatorial role, and it provides a format for meaningful communication and cooperation between us musicians and our board. Public and media awareness of this issue is also greater now, and we consider this a factor in our favor.

A number of minor issues were resolved favorably, improving the DSO's already outstanding working conditions and fringe package. From the outset we had aimed for a minimum increase in wages of \$180 over the term of the contract. This we achieved, although at the cost of a heavily backloaded distribution of increases. In light of the DSO's recent financial history, however, \$180, albeit backloaded, can be regarded as noteworthy.

Our boundless gratitude is here expressed to Joseph Silverstein, a consummate musical artist and a true humanitarian; to Leonard Leibowitz, our friend and counsel of a decade, for legal and strategic advice *par excellence*; to Merle Alvey, Joseph Stacey, Byron Taylor, Joe Skrzynski, and Fred Netting, fine officers of our trusted ally, Local No. 5, the Detroit Federation of Musicians; and certainly to every musician of the Detroit Symphony Orchestra for his or her trust, time, and talent during nine days in December.

*The Detroit Symphony Orchestra Negotiating Committee:  
Linton Bodwin, Douglas Cornelsen, Paul Ganson,  
Joseph Goldman, Wesley Jacobs*

**PALANCHIAN RESIGNS: BURRELL APPOINTED**

Melanie Burrell, cellist with the Denver Symphony and ICSOM area vice-chairperson for western orchestras, has been appointed by ICSOM's executive committee as treasurer *pro tempore*. She replaces John Palanchian, who has resigned as treasurer in order to fully devote his time to his new duties as vice-president of New York's AFM Local 802.

In submitting his resignation at the end of January, Palanchian stated, "As an officer of ICSOM for over ten years, I can say that I have seldom had as gratifying experiences as I have had in working with such wonderful and dedicated people. ICSOM is, in my opinion, the most progressive and forward-looking arts organization in the United States. If I can be of any assistance, I would like all members of ICSOM to feel free to call or write me."

Special thanks to John for his many years of dedicated service to ICSOM. His continuing interest and participation in the affairs of the Conference will be much valued.

A replacement for Burrell as an area vice-chair will be selected in the near future. Delegates to the 1983 ICSOM conference in Baltimore will formally elect a replacement to serve the remaining year of the unexpired term for treasurer. All area vice-chair positions are open for election at this year's conference.

**ICSOM'S MEDIA COMMITTEE**

During the last several years, every ICSOM orchestra has received inquiries, questionnaires, and information from the ICSOM Media Committee. What is this committee, and what does it do?

The ICSOM Media Committee was established in 1975. Prior to that time, ICSOM had a Recording Committee, but delegates to the annual conference that year felt that a committee should be formed to deal with all the electronic media that might be doing business with ICSOM orchestras.

Comprising representatives of orchestras that do radio, television, and phonograph recording work, the Media Committee does extensive research and gathers information to learn the needs of orchestras in this area. It then works with the American Federation of Musicians to meet these needs.

Relations with the AFM have improved dramatically since the early years of ICSOM, when representatives of a few orchestras talked to the AFM about the recording contracts Federation officials would negotiate for them. When the ICSOM Recording Committee came into being, it was suggested to the Federation that ICSOM observers be allowed to attend negotiations, and the AFM agreed to do so. Finally, in 1975 and with the establishment of the Media Committee, the Federation notified ICSOM of recording negotiations and invited that committee to attend. Today there is much communication and understanding from the Federation about the needs of ICSOM orchestras regarding media activity. The recently negotiated audio-visual contract, the first national contract for symphony, opera, and ballet orchestras, is a product of a positive AFM attitude toward ICSOM. AFM President Fuentealba continually encourages ICSOM's active participation in negotiations.

Accurate information about radio, television, and recording activity is extremely important to the ICSOM Media Committee. As an example, during the recent National Public Radio contract negotiations the committee was able to provide information which even the industry did not have. The result was a contract that encourages maintaining the amount of work orchestras do for public radio. To make providing information to the Media Committee easier, pre-addressed cards were given to each ICSOM delegate at the 1982 conference to fill out and mail each time his or her orchestra participates in media activity.

The Media Committee continues to look for ways to improve the various media contracts and to take advantage of the many ongoing technological changes. To do this effectively, it needs the active participation of ICSOM orchestras. Ideas about recording are especially welcome now; negotiations with the phonograph record manufacturers are scheduled for this coming autumn.

*Brad Buckley  
for the ICSOM Media Committee*

**NEXT ISSUE: 1983 CONFERENCE PREVIEW**

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Tom Hall, *Editor*—Mailing Address: 2800 Lake Shore Dr. #4001  
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