

Senza Sordino

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Philadelphia Strike Ends Labor Strife Gives Way To Fragile Peace

On November 18, 1996, the Philadelphia Orchestra ratified a new 3-year contract by a vote of 54-47 with 2 abstentions. The contract finally approved was an enhanced version of the compromise proposal earlier submitted to both sides by Philadelphia Mayor Ed Rendell's chief of staff, David L. Cohen.

Although everyone is relieved that the strike is over, the settlement has received mixed reviews. Cohen said, "I just got off the phone with the mayor, and both of us have the attitude that this deal does have all the hallmarks of a good negotiated deal, because neither side is particularly happy with it."

Provisions of the new contract include increases in salary, seniority pay, and pension; more liberal terms for sabbatical and other leaves; adjustments in travel conditions, scheduling, and health insurance; and many other miscellaneous issues.

The settlement represented difficult compromises in the musicians' top priorities – the "three M's" of money, media, and management. Among the missteps that led to the musicians' loss of confidence in the orchestra's board and management were 1) the loss of all the orchestra's recording and broadcasting contracts; 2) about \$400,000 per year in lost financial support from the Pew Charitable Trusts; 3) about \$1.5 million lost in a "Ponzi" scheme; and 4) the "edifice complex," the poorly planned and now aborted Philadelphia Orchestra Hall project. When Mayor Rendell saw the Orchestra's building project floundering, he stepped in with a plan for a new Regional Performing Arts Center, which got the Orchestra Association mostly off the hook.

The compromise solution to assess management performance is the "Millennium Task Force," a group of nine people representing board, musicians, and the public, which will evaluate all aspects of management and suggest improvements to the executive committee of the board. The Task Force's report is due in six months.

Although management agreed to substantially better salary figures in the new contract than in their offer at the beginning of the strike in September, the EMG was eliminated. Musicians and management agreed to create "a new business entity to guide the Orchestra's electronic media activities, to promote the Philadelphia Orchestra to various electronic media outlets, and to generate and distribute profits from future electronic media activities on the part of the orchestra." The governance of the new entity will be shared equally between the board and the musicians, and compensation for media activities will be consistent "with all relevant AFM contracts."

Philadelphia Orchestra President Joseph Kluger said about the new media company, "If it is successful, I think it's a model that will not only be emulated at other orchestras, but the concept of participatory decision-making can be extended to other aspects of our operation."

Stuart W. Davidson, the musicians' attorney, reflected on the settlement with a more cautious tone. "There are good things in this contract, there are bad things in this contract, and the best things are at this point unquantifiable. The task force could rejuvenate the orchestra, or it could be a horrible thing that confirms the worst fears of musicians. It's a real risky thing. The same is true of the media company."

John Koen, Philadelphia ICSOM Delegate, writes, "A problem which we were not so aware of until we were actually on strike is the culture of arrogance displayed not only by the top management, but by most of the board of directors. These individuals appear to have as their intent to continue the grand old tradition of "royal" patronage of the arts. The musicians are patronized, in the worst possible meaning of the word, by people with few ideas of their own, and treated as servants who should be grateful for the crumbs we do receive.

"Although several board members were willing to express their individual support to us, both on the picket line and in private conversations, when they gathered in board meetings to consider proposals to get us back to work our attempts at solutions were met with unanimous rejection. This was referred to by our Negotiating Committee as the "rubber stamp mentality." The board is comprised of people who are very successful business people, but who have

(continued on next page)

In This Issue

Philadelphia Strike Ends	1
Chair Report	2
The Depreciation Deduction	4
Atlanta Strike Is Over	6
Striking the Job, Not the Music	7
AFM Strike Fund Benefit Increased	8
San Francisco Symphony Votes To Strike	8

(continued from page 1)

very little understanding about music. We have seen a bottom-line mentality applied to art, and we believe this will be to the detriment of art.

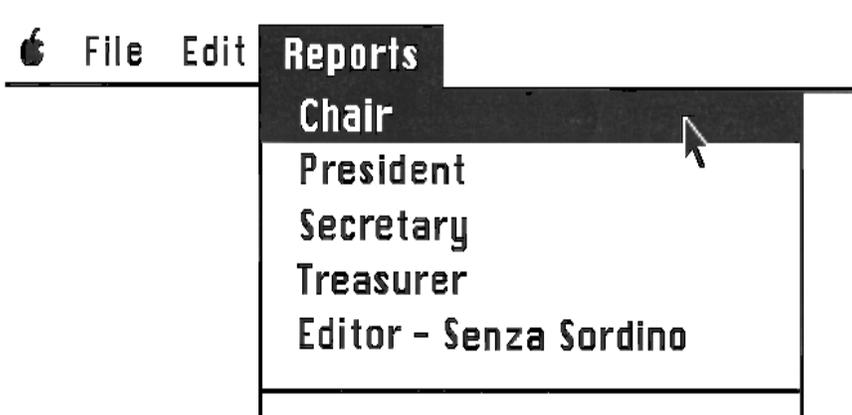
“Although the contract was ratified by 7 votes, I have observed no rejoicing at being back at work. The people who switched from no to yes in the two weeks since November 5 did not all switch because of the two minor enhancements to the contract offered on November 17. The decision to return to work had more to do with a perception that a lengthier strike would lead to diminishing returns at this point. There was strong feeling that we could do more to affect what co-chair of the Negotiating Committee Larry Grika refers to as “institutional sickness [transmitted] from Peter Benoliel (chairperson of the board) and Joseph Kluger (president) to the rest of the board” by working on the inside of the Academy of Music. There were difficulties in deciding on our collective course of action – should we be aggressive and militant, or should we not antagonize the board for fear they would revoke our health coverage once again? Others said that each day we were on strike was one extra day that Joseph Kluger would keep his job.

“The challenge which remains for us is to use the tools we have gained in this contract - the “Millennium Task Force,” to look into the finances and management practices of the Association; the “Media Business Entity” to work to procure and develop media outlets and opportunities (but not at the expense of our hard-won AFM Media Agreements); and to continue to use the media attention

we garnered during our 68-day strike. We are still united in our desire to expose bad management and financial mistakes; together we will bring these to light and effect change. That will be what makes our sacrifice, and the sacrifices on our behalf by our colleagues in ICSOM orchestras, worth it.”

ICSOM orchestras demonstrated an impressive solidarity during this strike. In addition to gifts of money and donated services (see “Striking the Job, Not the Music,” pg. 7), musicians sent letters and faxes in support of the Philadelphia musicians to newspapers and board members and found other creative ways to help their colleagues. John Koen continues, “The generous outpouring of support from our colleagues is greatly appreciated by the members of the Philadelphia Orchestra. We would like to make special mention of the Pittsburgh Symphony musicians, who initially donated \$1500, then sent an additional \$1000, and were generous enough to make their internal strike fund of \$25,000 available to us.”

The AFM Symphonic Services Division and Organizing Department provided constant support and advice to the musicians and their local union. Many other unions, representing screen actors, teamsters, stagehands, flight attendants, firefighters, culinary workers, seafarers, longshoremen, and others, also joined the orchestra musicians in solidarity on the picket line. AFM President Steve Young saluted the courage of all working people, saying, “We all share in the daily struggle for fairness for America’s working families . . . As workers we need to stand together. . . We see that all of labor is beside us, and we thank you.”



It has been an interesting time to take over the chair of ICSOM. Four ICSOM orchestras to date have struck this season, while two more have been working without a contract. I could believe that some minor deity has modified the old Chinese curse to read, “may you be chair of ICSOM in interesting times” – except that, for whoever is ICSOM chair, the times are invariably interesting.

Unfortunately, interesting times for the ICSOM chair usually mean that some ICSOM musicians are experiencing very nasty times indeed, and such has been the case for the musicians of the Oregon, Philadelphia, Atlanta, San Francisco, Louisville – and, lest we forget, San Diego – orchestras. Watching other musicians go through what my orchestra went through three years ago from my new perspective has been, at the very least, uncomfortable; it can feel like watching a family member do ten rounds with a large opponent while

trapped in a ringside seat. There have been some wonderful and inspiring moments, however. Perhaps the most exciting for me was meeting with the musicians and committees of the Philadelphia Orchestra in early October. To experience firsthand just how united and active an orchestra on strike can be and what wisdom can emerge from a group of musicians who choose to act and think collectively was more than impressive.

Watching the AFM bring its resources to bear on these situations, from President Young through the Symphonic Services Division and Organizing Department to the locals involved, was immensely gratifying to this ICSOM officer. The last time these orchestras went on strike, their musicians would not have even dreamed of such support from their union. ICSOM has worked long and hard throughout its history to make such support a reality, and those orchestras who choose to avail themselves of that support receive it in full measure.

Lastly, I was glad that the trustees of the Strike Fund – ICSOM and Federation representatives alike – readily and unanimously agreed to unleash the resources of that fund to provide meaningful assistance to those musicians in the trenches. The Fund will probably take a large hit this year from the decision to raise benefits substantially, but in doing so will fulfill its true function: to enable the musicians to endure until the boards and managements of their institutions also feel the pain of labor strife and decide to reach a fair settlement with their musicians. Fortunately, damage to the Strike Fund is readily fixable; that is not true of the damage that a

failed or broken strike in any orchestra would have done to all of us.

In all of these situations, ICSOM continues to do its traditional job: to inform, to advise, to support and urge support from other member orchestras for our colleagues in difficult straits, and to work with the Federation to make sure that all that can be done is being done. Some untraditional technology now supplements *Senza Sordino*, the traditional ICSOM bulletin, and the network of phone contacts that has been built over the years. Information from musicians and the press can be widely disseminated to the entire field at the click of a mouse button. With the help of many Net-savvy activists, the ICSOM Internet mailing list and Web site have become valuable sources of news and advice to striking musicians and their colleagues watching from the sidelines.

For the members of the ICSOM governing board to be most effective in helping striking orchestras, we continue to need the help of ICSOM delegates, orchestra committee members, and activists in all our orchestras. Without that support, the Governing Board is merely nine very concerned denizens of the orchestral world. With your support, ICSOM has the very real ability to influence the outcomes of these situations – if, and only if, we all act together.

The news of our deaths may have been greatly exaggerated, but gloom-and-doom stories about the orchestra business and affiliated industries are all the rage these days. The *New York Times* has run two such stories in recent weeks: Bernard Holland's "Decline and Fall of the Classical Empire" on November 10 and an extended analysis of the implosion in the classical record business by Allan Kozinn on December 8. On the same day, the *Los Angeles Times* ran a story on the problems with the classical radio industry, "Classical Gasp," by Mark Swed.

With the assistance of the ICSOM Governing Board, I wrote a formal response to Holland's article, an edited version of which appeared in the *New York Times* on December 15. As it is a formal statement by ICSOM's elected leadership of our beliefs about the state of the industry, we thought it important that the entire membership of ICSOM have the opportunity to see it.

November 13, 1996

Editor, Arts and Entertainment
 The New York Times
 229 West 43rd Street
 New York NY 10036-3959

To the Editor:

Bernard Holland's column on "The Decline and Fall of the Classical Empire" (*New York Times*, November 10) reminded me of nothing so much as my favorite headline from a career spent in the music business. "25 orchestras doomed to die!" prefaced an article by the United Press International predicting the imminent demise of (among others) the Atlanta, Baltimore, Dallas, Houston, Minneapolis, Pittsburgh, and Seattle orchestras. The article was published in 1969, showing that mistaking a rain shower for the

Flood has a long history in the music business.

Mr. Holland, while getting a few of his facts wrong (the musicians of the Philadelphia are not on strike in order to get paid for recordings they don't do), does point out some serious problems facing the orchestra business, but frames them in neither historical perspective nor a balanced picture of the current orchestral scene. While the current negotiations in Philadelphia, Atlanta, and San Francisco are indeed proving difficult, they are certainly no harder than those that many orchestras (including Philadelphia and San Francisco) have survived in the past. Moreover, many more orchestras have had negotiations in the past year or so that have been concluded very amicably, including Chicago, Boston, Los Angeles, Milwaukee, and perhaps most notably in terms of its recent history, Buffalo. The negotiations in San Francisco and Atlanta arguably are more difficult because those institutions have been extremely successful in terms of raising money and selling tickets, not because they've been failing at those core jobs.

There are a lot of other success stories in the orchestra world, some of which are due to the efforts of people, relatively new to the field, who Mr. Holland unfairly derides as of "startlingly low" quality. Good administrators, of orchestras or any other organizations, have always been hard to find; the ones he properly singles out for praise (while missing a few other outstanding managers who are neither leaving the field nor in poor health) are stand-outs in a field that has always been dominated by mediocrity.

Mr. Holland also complains about the state of boards (ignorant), the state of orchestra marketing (salacious), and the state of concert programming (dumb and getting dumber). None of these problems are new. Boards are quite properly committed to "keeping their institutions in business," as Mr. Holland accuses them of being; what else would he have them do? That's their job. It's the job of orchestra staff and music directors to provide programming that's innovative, artistically challenging, and attractive to audiences; the good ones do and the bad ones don't, as has always been the case. And orchestra marketing, like marketing everywhere, is entirely driven by pragmatism. His memory is poorer than mine if he thinks that cleavage is a new sight in classical music marketing.

What Mr. Holland forgets is that the American orchestra scene is a story of amazing success. We have in this country most of the world's great orchestras. Even second- and third-tier American orchestras play as well or better than any of the great orchestras of fifty years ago. Equally important, American orchestras sell more tickets, and perform for more schoolchildren, than orchestras elsewhere or in the past. And all of this was done with a bare minimum of government support. It has not come easily or without conflict, and future success will no doubt require more of the same. But the simplest and most plausible explanation for the problems Mr. Holland cites is that the orchestra industry is transitioning from growth to maturity; a painful process for the participants, perhaps, but hardly a reason for him to call for the demolition of the orchestral temple.

Sincerely,

Robert Levine
 Chair, International Conference of Symphony and Opera Musicians

The Depreciation Deduction

IRS Declares War On Musicians

Musicians have historically been misunderstood by government. In spite of our efforts to get recognition of the unique aspects of our business from government agencies, the U.S. Congress and state legislatures, and the various federal, state and local courts across the country, it is difficult for people outside the music business to see that conditions which are exceptions for most other working people are the rule for us, and that many of the rules that make sense in other industries cannot be fairly applied to us. We have struggled with government over such things as regulations for stowing musical instruments on airplanes, employee vs. independent contractor status, office-in-home tax deduction for our practice space, health and safety issues such as high sound levels on stage, and even our being regarded as full-time employees.

The latest bout in this continuing struggle concerns taking a tax deduction for the depreciation of musical instruments used on the job as a working musician. As previously reported in *Senza Sordino* (January 1996), two New York Philharmonic musicians, Richard and Fiona Simon, won a Tax Court decision on this issue (10-7 vote, August 1994) and then a Second Circuit Appeals Court decision (2-1 vote, October 1995), which has established a landmark precedent for the determination of depreciability of musical instruments. At almost the same time, a similar case brought by Philadelphia bassist Brian Liddle was decided on the basis of Simon in the Third Circuit Appeals Court.

The IRS does not agree with these decisions, and has announced its nonacquiescence to Simon and Liddle, which means that the IRS will abide by the ruling of the court only within the jurisdiction of those courts. The Second and Third Circuits include Connecticut, Vermont, New York, New Jersey, Delaware and Pennsylvania. Nonacquiescence is a routine tactic the IRS uses when it believes a decision is wrong. The next step for the IRS will be to seek out other such depreciation deductions in other jurisdictions, audit them, and take them on a similar journey through the courts if they can. If the IRS can obtain a ruling favorable to its position in a different jurisdiction, creating a conflict with the rulings already handed down in the Second and Third Circuits, a final appeal to the U.S. Supreme Court would be possible. The IRS could also seek a legislative remedy, asking Congress to change the law.

Several other musicians have been audited for depreciation deductions since the Simon case, including Bruce Wittrig of the Dallas Symphony. The Wittrig case did not go to court because, citing the Simon case, Wittrig was successful in convincing the auditor to accept his depreciation deduction. This is evidence that, although the IRS has not acquiesced to the Simon decision, Simon's victory can still be used to defend an audit, and the IRS can and will take the ruling into consideration. That this is certainly a good defensive tactic is echoed by Arthur Pelikow, the tax lawyer in New York responsible for the Simon's Tax Court victory, who said, "It is most important that musicians who have claimed instrument depreciation and are being audited have a thorough knowledge of the Simon and Liddle decisions. It is also important to understand that the Tax Court is the obvious litigating forum because of its favorable position in this case."

The Legal Arguments

Depreciation is a method of allocation of an item's cost, rather than a method of valuation, and is intended to reflect the item's utility in a trade or business. A depreciation deduction allows a business enterprise to gradually recover the cost of business property as it is used up due to wear and tear, obsolescence, exhaustion, or other deterioration of the property.

The critical event that precipitated the rulings in the Simon's favor was the passage of the Economic Recovery Tax Act of 1981 (ERTA), which included an Accelerated Cost Recovery System (ACRS), for the depreciation of business property. Before ERTA, to claim a depreciation deduction, it was necessary to show a determinable useful life for the property. Depreciation was calculated by determining the useful life of the property, determining its salvage value (what the property would be worth on resale at the end of its useful life), taking the difference between the original cost and the salvage value and dividing it by the number of years the property would be used. With the enactment of ERTA, the cumbersome old depreciation system was replaced with ACRS, which established simpler "recovery periods," de-emphasizing the concept of useful life and allowing depreciation to be obtained over a significantly shorter time period than was permitted under the previous system.

While ACRS has its own statutory requirements for deprecia-

IRS In Mourning, Musicians Take Warning !

The IRS is looking for musicians to audit in 44 states. Last year, two Appeals Court decisions allowed professional musicians to depreciate an antique bass viol and bows used at work. IRS says decisions are wrong. It will keep asserting its view on musicians who don't live in the states covered by the two Appeals Courts...Conn., Del., N.J., N.Y., Pa., and Vt.

IRS hopes to win elsewhere, then have Supreme Court back its view. Odds are against the Service...knows it will lose again in the Tax Court, which decided two previous cases for musicians. IRS appealed and lost.

THE KIPLINGER WASHINGTON EDITORS,

July 26, 1996 *(used by permission)*

tion without reference to useful life, in the Simon case the IRS argued that before depreciation can be claimed, it is necessary to determine useful life. As the Simons were unable to establish the lifetimes of their instruments, their depreciation deductions were disallowed. The Tax Court sidestepped this particular issue and held in favor of the taxpayers as the instruments qualified as (1) tangible personal property, (2) having been placed in service after 1980, (3) having been used in the taxpayer's trade or business, and (4) having suffered substantial wear and tear as a result of their use, giving them a limited lifetime.

In addition, the court reasoned that while certain instruments may be considered works of art, and while works of art are not ordinarily considered depreciable (decorative works of art don't normally suffer wear and tear), when these instruments are in the hands of professional musicians being used as working tools to produce income, they may not be considered as works of art for tax purposes. By excluding items used as working tools to produce income from the definition of works of art, the Tax Court opened the door for their depreciation if they also pass the very specific four-pronged test mentioned earlier.

In his minority opinion, Appeals Court Judge James Oakes said, "A car buff in the trade or business of buying, collecting and selling antique automobiles, who drives his autos to auto shows, may obtain a depreciation deduction, or the law office that buys fine Sheraton or Chippendale desks or chairs for office use can take a deduction, though in each case the auto or furniture is actually appreciating in value and has no determinable useful life." But the majority opinion, while acknowledging Oakes' problems, said that some latitude in interpretation as a result of the ruling was the price Congress was willing to pay to simplify the depreciation rules and "to stimulate investment in business property generally."

Whether or not the property has value as a collectible, which is separate from its business purpose, was not deemed by the courts to be germane to the issue of depreciation. There is, however, one point at which depreciation (relating to cost) and appreciation (relating to value) meet. All depreciation taken against the cost of the property, to the extent that it is recovered upon the sale of the property, is taxed as regular income in the year of sale.

by Marsha Schweitzer and Richard Simon

References:

- Federal Times Weekly Alert*, July 18, 1996
- New York Law Journal* October 17, 1995
- Senza Sordino*, Vol. 34, No. 1, January 1996
- The Tax Lawyer*, Vol. 48, No.2
- Worth*, March 1996

The foregoing is not to be considered authoritative legal or tax advice. You are encouraged to seek the help of professional practitioners if you are audited or in need of assistance in this area.

What We Can Do

New York City Local 802 has set up a nonprofit fund to accept donations in support of the Simon case as well as any others that are likely to arise nationally in the future. They are also investigating the possibility of setting up a master database of current tax information and sources to assure uniformity of information, and to make accessible to its members consultation with a prominent tax lawyer when it is deemed appropriate. (The irony of this is that at present, musicians in New York City are protected from further IRS action because of the Simon ruling in that Circuit.) These efforts are being started with the expectation that other locals around the country will join in with New York on this project.

The importance to all musicians of continuing to defend the depreciation deduction is well articulated by Bruce Wittig: "The facts of my case are simple: If the Simons had not won their appeal, the deduction for depreciation on my instrument would have been disallowed. If this deduction had not been in place for me over the past ten years, I'm not sure that I would have been in a position to stretch my finances when that one-and-only (for me) instrument became available. The ability to take a deduction for depreciation can be a huge help to those just starting out in an orchestra. It will also pay dividends to anyone who cares about beauty of sound in American orchestras."

The IRS is clearly seeking to find other similar depreciation cases to audit in hopes of achieving a ruling in its favor in another jurisdiction. Not just antique instruments, but all musical instruments and accessories, are at risk. **YOU COULD BE NEXT!!** For possibly your own sake, as well as for those who have already been audited, please contribute as much as you can, payable to:

**THE COUNCIL FOR LIVING MUSIC
INSTRUMENT FUND
c/o Mary Landolfi
Local 802
322 W 48th Street
New York NY 10036**

Gifts to this fund are fully tax-deductible [IRC 403(c)]. The fund needs about \$50,000 to cover expenses already incurred. About \$15,000 has so far been raised. Your help is desperately needed.

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Senza Sordino Dec 96

Atlanta Strike Is Over *Holiday Concerts Will Ring In Atlanta's Symphony Season*

Just as this issue of Senza Sordino went to press, the strike in Atlanta ended. The details of the settlement will be reported in a later issue, but the events immediately preceding the settlement, as described below, are nonetheless informative. — Ed.

In an effort to salvage the *Messiah* and other popular holiday season concerts, the striking Atlanta Symphony musicians offered to return to work if management would agree to enter into binding arbitration. This announcement was made on November 26, 1996, after two days of unproductive contract negotiations with a federal mediator. Management had thus far refused to consider arbitration, in which both sides agree to be bound by an impartial arbitrator's decision, as that would "abrogate [the board's] fiduciary responsibility."

The musicians of the Atlanta Symphony went on strike on September 20, 1996, after four weeks of working without a contract. As of early December, differences still remained in the areas of salary, seniority pay, pension, and aspects of artistic decision-making. Although the monetary differences between the two sides were minor at that point, management was unwilling to budge from their position of salary increases below the cost of living for four years.

A serious point of contention was the size and effectiveness of the Atlanta Symphony's endowment. The Atlanta Symphony has its own endowment of about \$33 million, and also receives a percentage of the income from the Woodruff Arts Center endowment, in an amount equal to earnings of about 5.5% on about \$27 million of the Woodruff endowment. Management had linked all its expenses to the endowment revenue that would be required to cover

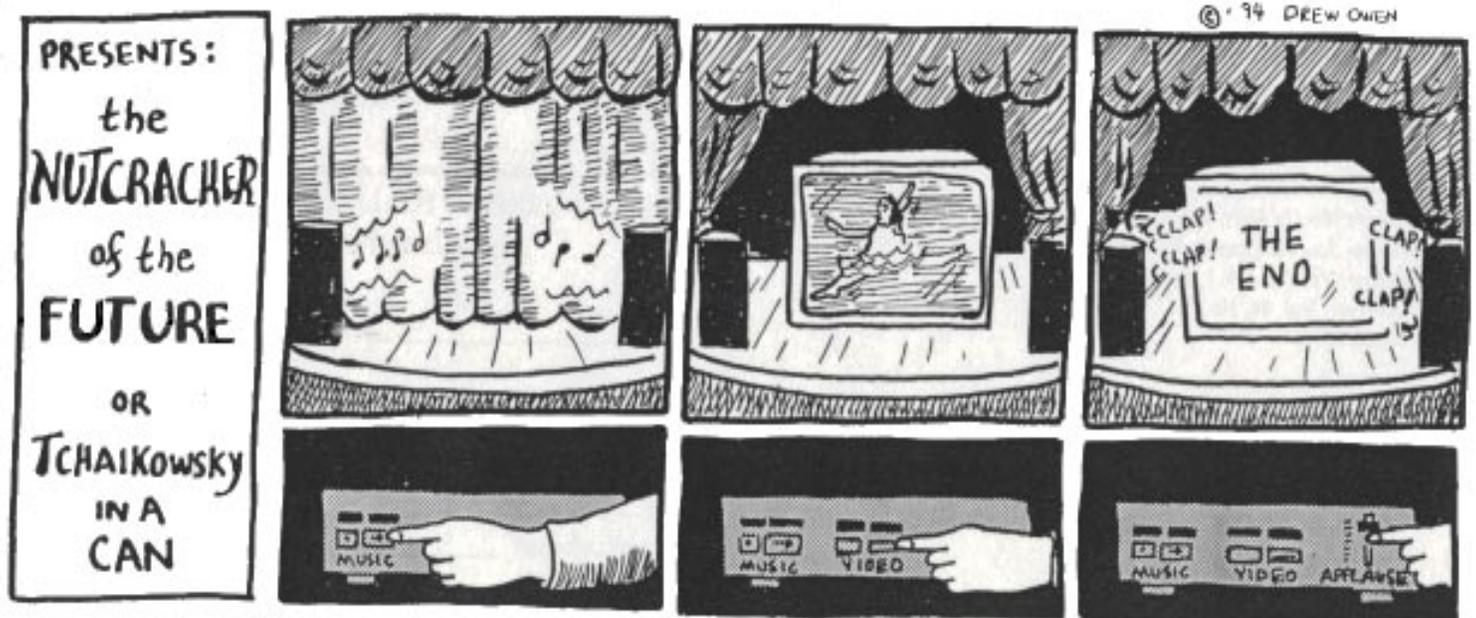
them, as if there were no other sources of funds available to meet those expenses. They claimed that to fund the musicians' proposal they would need to raise \$45 million in new endowment.

The musicians acknowledged the importance of endowment funds, but pointed out that the endowment has never been expected to carry the entire load. A modest increase in distributions from the endowment, from 5.5% to 6.0%, would do the trick. They also saw that further gains in orchestra income could reasonably be expected in ticket sales and donations.

One of the more bizarre twists in this strike was a reported "replacement orchestra." One musician reported in late November:

"Allison Vulgamore (the ASO's President) in recent days has several times made the not-so-veiled threat of a replacement orchestra. It has been in the form of her saying something like, "I must tell you that recently I've heard from certain board members, "When can we bring in the next orchestra?" " I have no doubt there may be a couple of uneducated anti-union board members that might indeed have that sentiment, but what really upsets me is that our president doesn't educate or inform those board members of the absurdity of their notions, but instead chooses to threaten us with them."

The musicians of the Atlanta Symphony have reported donations totalling over \$15,250 from other orchestras, including \$5,000 from the Philadelphia Orchestra, which was itself on strike until recently. The rock group REM also donated \$7,500 to the Atlanta musicians' strike fund.



Striking the Job, Not the Music

Philadelphians and New Yorkers Strike a Chord of Solidarity

Although the portions of an orchestra's work that the employer and the public see – rehearsals and concerts – are on hold during a strike, the artist's life goes on. Like all professionals, musicians must maintain skills and develop knowledge independent of the work they do for a specific employer. Personal practice, instrument maintenance, reedmaking, teaching, and studying scores, recordings, and professional journals continue uninterrupted. Work is halted, but art is not.

During a strike there are moments when this latent professional artistry becomes kinetic. So it was on November 10, 1996, when the New York Philharmonic joined the striking Philadelphia Orchestra in Camden, New Jersey, for an historic joint benefit concert.

It was quite a show. The New Yorkers, performing without pay on their day off, played Berlioz's *Symphonie Fantastique*. The Philadelphians played Tchaikovsky's *4th Symphony*. Neeme Järvi, Music Director of the Detroit Symphony, conducted. Two principal oboists, Richard Woodhams from Philadelphia and Joseph Robinson from New York, played starring roles as the principal organizers of the concert (Woodhams gives Robinson the nod for top billing). The surprise stars of this show, the audience, at first feared to be *in absentia*, made a dramatic last-minute entrance and filled the house. The concert was broadcast live on WFLN-FM.

Other ICSOM orchestras also participated in the concert. No, the musicians were not there, but their money was. Contributions in support of the strike concert were received from the Boston Symphony, the Chicago Symphony, the Detroit Symphony, the Los Angeles Philharmonic, the National Symphony, the New York Philharmonic, the Pittsburgh Symphony, the San Francisco Opera Orchestra, and the San Francisco Symphony. Ticket sales and gifts related to the benefit concert exceeded \$20,000, part of which was used to support the Atlanta Symphony musicians, who were also on strike. Musicians from several orchestras, including the New York Philharmonic, the National Symphony, the Baltimore Symphony, and the Delaware Symphony, had also joined the Philadelphians in chamber concerts from time to time during the strike.

Said Dick Woodhams, "Many people in Philadelphia and New York worked tirelessly to make this concert a great success in every way. Both orchestras were in top form. It was a dramatic show of solidarity in our profession." He added, "Our deepest thanks go to all the orchestra musicians who contributed their financial and moral support, our loyal friends and families in Philadelphia, and most notably, Maestro Järvi. In addition to showing guts, he once more proved himself as a musician of the highest order, eliciting on one rehearsal performances that were a musical combination of structure and spontaneity."

Maestro Neeme Järvi risked the ire of orchestra managements when he agreed to conduct the concert, but concerns for his career were finally overshadowed by the chance to make great music. His courage in risking his own future for the sake of the music brought minds and hearts back to the things that are really important, the ultimate reasons for the struggle. "It's a wonderful thing to have

these two greatest American orchestras playing together," he said. "And having a friendly time – this is the major thing, to keep the mood good."

Artistry is not gone during a strike. Sometimes it rises up out of the trenches and shines briefly upon the combatants, reminding them that the fragile artistic beauty we work to bring forth each day is indeed worth fighting for. The music is not dead, only dormant, waiting to reemerge after the battle into a friendlier climate of safety, security, and mutual appreciation and respect.

November 9, 1996

To the Members of the Philadelphia Orchestra and New York Philharmonic

From the Musicians of the Detroit Symphony Orchestra

The Musicians of the Detroit Symphony Orchestra send their greetings and best wishes to all of you. We hope that the music will soon return to the stage of the Academy of Music.

We are proud of Maestro Neeme Järvi and his contribution to your cause of great music. We know that he and each of you will show the audiences of Philadelphia the exciting music they are now missing.

We persevered through work stoppages of nine weeks in 1975 and twelve weeks in 1987 and realize the sacrifices you are making to keep recordings of the Philadelphia Orchestra among your highest priorities. Maestro Järvi, one of the world's most recorded orchestra conductors, believes strongly that recordings are an integral part of any great orchestra's mission. The thought of the Philadelphia Orchestra not chronicling its accomplishments by recording is abhorrent to all of us.

Please encourage your patrons to bring back Neeme for guest appearances with your orchestras but remember that you can't have him. He's ours!

With our hopes for a speedy settlement we remain in solidarity,

The Musicians of the Detroit Symphony Orchestra

AFM Strike Fund Benefit Increased

The AFM Strike Fund is a pool of about \$2 million that provides benefits to musicians in Strike Fund member orchestras in the event of a strike, lockout, or similar work stoppage. In an effort to maximize the effectiveness of the Fund and its positive impact on labor disputes, the Trustees of the AFM Strike Fund approved the following benefit schedule, effective October 14, 1996:

Week 1:	no benefit	(unchanged)
Weeks 2 - 4:	\$150/wk	(unchanged)
Weeks 5 - 8:	\$300/wk	(new increase)
Weeks 9 - 15:	\$450/wk	(new increase)
Week 16 on:	no benefit	(unchanged)

No benefits will be paid in excess of fifty (50%) percent of the weekly scale of the orchestra.

Current Strike Fund Trustees are Brad Buckley, David Angus, Florence Nelson, Ken Shirk, and Steve Young.

The value of the AFM Strike Fund was recently articulated by striking Atlanta Symphony musician Carl Nitchie: "The orchestra continues to be strong. The recent change in strike fund payments has been welcome news and a powerful statement from the union."

San Francisco Symphony Votes To Strike

The musicians of the San Francisco Symphony voted by an overwhelming margin to strike as of December 5, 1996.

Although the San Francisco Symphony's contract expired on November 23, 1996, the San Francisco Symphony Players Association's Negotiating Committee made the decision not to strike upon the contract's expiration. The orchestra was on a European tour at the time, the first for their new music director, Michael Tilson Thomas, and the musicians decided they did not want to disrupt the tour.

They had, however, been distributing leaflets (in the local language) to the audiences at their concerts during the tour to explain their contract problems.

Negotiations have been going on since last March with little progress. The main issues are salary, the medical plan, pension and scheduling changes that would help lessen the incidence of repetitive stress injuries in the orchestra.

Erratum

In the bassoon photo caption in the last issue of *Senza Sordino*, the person portrayed as James Martin is in real life Martin James.

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