

# Senza Sordino

Official Publication of the International Conference of Symphony and Opera Musicians

VOLUME 37, NO. 1

On-line Edition

January 1999

## HEAR TODAY — GONE TOMORROW

The auditory sensations that brought us to a career in music could themselves cause the end of that career. Excessive exposure to the raw material of our profession—sound—can cause severe and possibly permanent hearing damage. It can happen gradually over a lifetime of repeated exposure, or suddenly after a single high-decibel incident.

Being a musician is a tricky business, a bit like being a lion tamer, where the performer must get close enough to his fellow performers to develop a rapport, but not so close that he could be harmed. Some musicians, such as piccolo and percussion players, are simultaneously the perpetrators and the victims of potentially destructive sounds. Most bassoonists and violists had no idea what dangerous instruments they had chosen until they got into an orchestra and discovered that their choice of instrument had placed them in the direct line of fire of the trumpets and trombones.

Aural assaults can happen to anyone in the music business. Unbearable sound levels are especially serious in enclosed areas like orchestra pits, but the problem can also be severe for orchestras on stage and even outdoors, where cannonfire in the *1812 Overture* and powerful amplification systems are regular offenders. Rock and show musicians, who almost always work in an environment of electrically amplified sounds, are under constant bombardment.

Most of the acoustic instruments that normally populate symphony orchestras produce less amplitude and are a bit safer, but that fact can lull unsuspecting symphony musicians into complacency and leave them even more vulnerable to assault by those few instruments that are not so safe. Potentially hazardous instruments are the ones that make especially high or loud sounds—mainly trumpets, trombones, percussion, piccolo, and any sound that is electronically generated or amplified.

Many orchestras now have some kind of hearing protection language in their contracts, including Florida Philharmonic, San Antonio, New York City Ballet, Pacific, Savannah, Nashville, San Francisco Ballet, Oregon, Utah, Grant Park, Charleston, San Jose, Long Beach, Calgary, and Jacksonville. Most such contract clauses involve management's duty to provide earplugs, provide Plexiglas shields of various sorts, and/or control the sound levels and positioning of speakers and monitors when electronic amplification is used. Many contracts provide for consultation with the orchestra committee or other musicians' committees in assessing and addressing excessive decibels. The particular wording of these contract clauses can be found using the "Database Lookup" feature on the AFM-BBS (212-768-2525).

### *Earplugs, Risers, and Sound Shields*

"Earplugs for musicians are like mittens for typists," said Art Linsner, President of the Theatre Musicians Association. The better earplugs now available (such as the ER-15 and ER-25, made by Etymotic Research, custom-fitted, at \$119.00 per pair) allow a softer but more natural sound to reach the eardrum, perhaps feeling more like surgical gloves for typists. But with just about every kind of earplug, achieving a sufficient volume reduction entails some degree of discomfort, inconvenience, or musical disorientation. Nevertheless, earplugs are just about the only option for percussion and piccolo players who cannot put an external barrier or a safe distance between their ears and their own instruments. Headset monitors have become popular in pops concerts as replacements for loud and unsightly floor monitors, and they can sometimes provide hearing protection as ear coverings, but beware: if the headset volume is turned too high—as is often the case—it can actually contribute to the problem rather than to the solution.

Risers, while thought to be helpful in directing loud sounds from the back of the orchestra up and over the heads of those in front, can sometimes actually make matters worse. Trumpet and trombone players often play at a slightly downward angle, which means that on risers, instead of blowing into the back of the player in front as they would on a flat surface, they blow directly into the head of that person. For risers to truly achieve the desired effect they would need to be very high, which could create more problems with orchestra balance and cross-communication.

Sound shields, usually made of Plexiglas, a transparent acrylic material, come in two forms—large sheets, several feet square, standing vertically on the floor between offending instruments and

*(continued on next page)*

### In This Issue

<b>Hear Today—Gone Tomorrow . . . . .</b>	<b>1</b>
<b>NY Phil Supplemental Pension Fund . . . . .</b>	<b>3</b>
<b>Report from the Chair . . . . .</b>	<b>4</b>
<b>Orchestra Musicians Answer Union's Call . . . . .</b>	<b>5</b>
<b>Professional Unions On The Rise . . . . .</b>	<b>6</b>
<b>Do Millionaires Need A Union? . . . . .</b>	<b>7</b>
<b>Newslets . . . . .</b>	<b>8</b>

(continued from page 1)

offended players; and smaller personal baffles, positioned behind the player's head, affixed to the chair or standing behind it. The regular use of some form of Plexiglas sound barriers has been reported in many orchestras, including Baltimore, Detroit, Honolulu, Indianapolis, Jacksonville, National, New Jersey, New York City Opera, New Zealand, Oregon, Philadelphia, Phoenix, Pittsburgh, San Francisco Symphony, San Francisco Opera, San Francisco Ballet, San Jose, and Toronto.

The Acoustishield, or "Buffalo Baffle" (so named because it was invented by Bernard Fleshler of the Buffalo Philharmonic), the prototype of the chair-attached model, is enhanced by dead air space between two winged sheets of Plexiglas forming a double layer of protection which partially wraps around the player's head. Some orchestras have adapted this idea into a baffle that stands on its own

base behind the player's chair. Users of this type of baffle tend to agree that it does effectively cut out the piercing quality of a direct trumpet blast, but there is not a great deal of ambient noise reduction. Although not to the extent of earplugs, the shield also isolates the player acoustically and makes it harder to judge balance and tone during delicate musical passages.

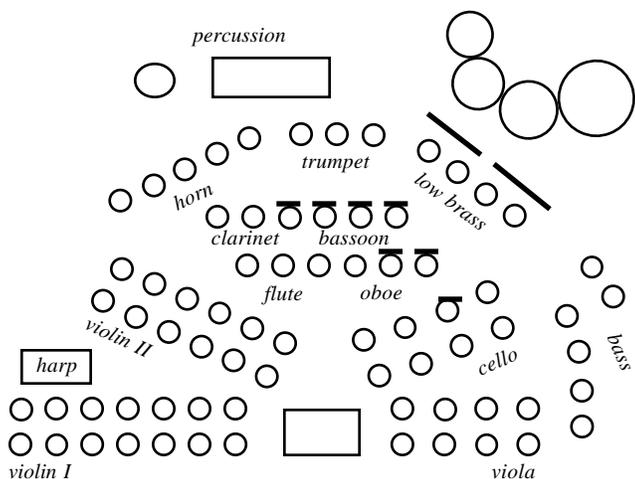
The placement of shields, whether the large sheets or the behind-the-head kind, is also a significant factor. Brass and percussion players warn that if the shields are closer than about 5 to 10 feet from them, their sound is reflected back, creating for them the very safety hazard the shield was intended to prevent, and also a false impression of the loudness of those instruments to the players, conductors, and audience. Barrier shields are therefore most effective if they are placed closer to those needing protection and farther from the source of the sound.

### Stage Setup and Shield Placement In ICSOM Orchestras

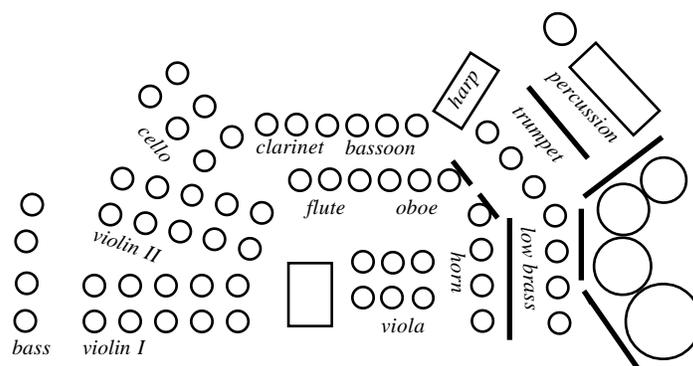
— "Buffalo baffle"

— Plexiglas sheet

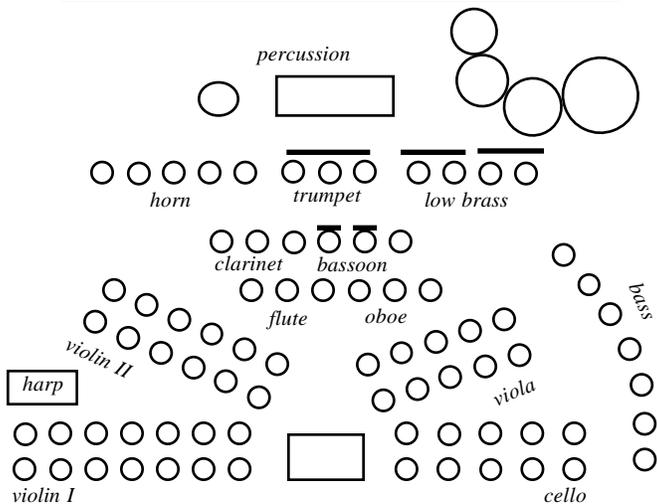
Notes: 1) For pops concerts, it is a common practice in many orchestras to enclose the drum set in Plexiglas. 2) Indianapolis – The Plexiglas sheet in front of the brass is normally used only for pops concerts. Occasionally first and second bassoon, second and third oboe, and some second violins also use individual shields.



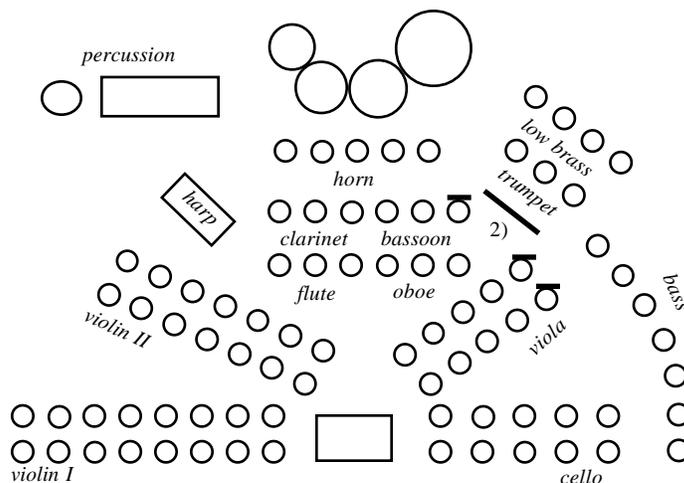
JACKSONVILLE SYMPHONY



NEW YORK CITY OPERA



HONOLULU SYMPHONY



INDIANAPOLIS SYMPHONY

### ***Reflection vs. Absorption***

Plexiglas devices, while effective for tempering proximate directional sounds, deflect the sound but do not significantly diminish it. Another approach to solving decibel problems, used most often in the pit, is the placement of absorptive materials such as foam, cloth drapes and carpeting. The drawback to this method is that often too much sound, or only certain frequencies, are absorbed, making it hard for musicians to hear each other and judge tone and balance. Such damping of the sound may cause musicians to instinctively play louder in an effort to hear each other, or to regain the now-absorbed frequencies in their tone, or to project more sound to the audience. Ironically, this method for protecting hearing can potentially aggravate muscular overuse injuries as musicians work harder to make more sound.

However, a new absorptive approach, now being tested in the pit of the St. James Theatre on Broadway, shows potential for reducing damaging sound levels while preserving the natural balances and timbres that the musicians intended. Absorptive panels, strategically placed in the pit as dictated by the architectural features of the particular theatre, absorb a significant amount of sound

evenly across the frequency spectrum. The level of sound going out to the audience is maintained by electronic enhancement, allowing relative comfort in the pit without sacrificing the power of the show. Preliminary reports from the musicians are positive. The newly negotiated provisions for health and safety in the Broadway collective bargaining agreement were the impetus for this acoustic experiment at the St. James.

Out of the pit, absorptive options may be more limited. For both the performers and the audience, the aural and visual expectations of an unamplified orchestra on stage are very different from those in the pit. When the orchestra on stage is the featured act, and there is not the desire or capability to use electronic amplification, sound absorption may be counterproductive.

Whether on stage or in the pit, the task in effectively treating sound problems lies in defining the parameters of the acoustic problem, agreeing upon the specific result desired from the acoustic treatment of the specific performance space, and then creating a

*(continued on page 5)*

---

## **The New York Philharmonic Supplemental Pension Fund**

The New York Philharmonic supplemental pension fund was started in 1980 to help retirees whose pensions had been ravaged by inflation in the 1970s. What began as a token payment to some of the oldest retirees has now become a major source of income to many of our retired colleagues.

Our regular pension fund has always been a defined benefit plan in which the musician retires with a set pension and collects that same amount for his or her lifetime. The benefit was increased dramatically in 1985 from \$500 per year of service to \$800 per year of service. Many of our colleagues and their spouses have been blessed with a long life after retirement, but unfortunately are outliving the useful life of their pensions. We have several members and spouses receiving \$200 per year of service pensions and even one who retired in 1958 with \$90 per year of service. What the supplemental fund provides is a safety net—a minimum benefit that all retirees and survivors will receive. Right now that benefit is set at \$640 per year of service, so the player retiring in 1958 with \$90 per year of service receives an additional \$550 per year of service, and the player retiring in 1984 with a \$500 benefit receives an additional \$140 benefit. The near-term goal is to get everybody up to the 1985 level of \$800 per year of service.

The main source of income providing these extra payments are our open rehearsals. In 1980, we started with 6 open rehearsals, and that has now grown to 23-26 per season. In 1997 we took in \$157,000 net of expenses from 26 rehearsals. Ticket prices are a modest \$10 and will be increasing to \$12 next season. We also took in \$32,000 in contributions from other sources. In addition, there is \$250,000 in the fund, and we drew \$24,000 out of the principal last year to provide a total payment of \$213,000 to 40 musicians and survivors. Not bad for a program that got off to a shaky start.

Surprisingly, the main hesitation in 1980 was on the part of the orchestra. We were already playing four concerts every week and were not enthused about what we feared would become a fifth concert. After many heated meetings, the orchestra decided that as long as every nickel went to our retirees, it was a worthy cause. Management's main fear was that rehearsal ticket sales would cannibalize concert ticket sales, but it turned out that many people who enjoyed the rehearsal would also want to buy tickets to hear the concert. Some even became subscribers as the rehearsals brought in an audience who had never thought of coming to concerts before. Since tickets are so inexpensive, our main competition in the Lincoln Center area are the movie theaters. We try to keep the ticket prices a few dollars higher than a movie, but always within reach of students and senior citizens.

The three orchestra members who serve on the Pension Committee have complete control of the supplemental fund. After consulting with the Philharmonic's chief financial officer, we decide how the money is invested and how much to disburse each year. It is one of the few areas of orchestra business that committee members have direct control over, which for me, makes it the most satisfying committee to serve on. It warms my heart to receive letters from colleagues every year (some of whom retired before I was born!) thanking us for making their retirement more comfortable. I urge all younger players to familiarize yourself with pension matters and to serve on Pension Committees. We all like to think of ourselves as young, but we will all be depending on that fund in what will seem like the blink of an eye.

*Ken Mirkin  
New York Philharmonic*

## Report from the Chair

Even though the work of the Investigative Task Force has not yet resulted in changes to the bylaws of the AFM, the ITF process has been at the core of an increasingly heated discussion within the AFM about the direction our union will take in the next hundred years. Evidence of that can be seen in many locals' newsletters, as well as in the public writings of AFM officers. Two very interesting examples arrived in my mailbox recently.

Symphonic musicians read the *International Musician* from back to front, usually not getting beyond the "Help Wanted" ads. But about eight pages from the first such ad in the December *IM* was a most interesting opinion piece by AFM Secretary-Treasurer Stephen R. Sprague, "Union Membership Must Make the Difference for Jobbing Musicians." In his column, Sprague wrestles with a dilemma that is painfully familiar to the AFM: how can a labor union represent members whose workplaces are virtually impossible to organize in conventional ways?

This is not a new problem, of course; even when U.S. labor law was more favorable to the workers in the music industry than it is now, the AFM did not do a good job of actually organizing its members into bargaining units. Its philosophy was to maintain a closed shop wherever possible and to use that strength to impose conditions on both employers and musicians. Just why that system fell apart so completely could be the subject of a whole year of *Senzas*. But fall apart it did—which is one big reason why the AFM represents just one-third of the musicians it did 25 years ago.

Sprague's answer to the question of how to represent the jobbing musician is also the conventional wisdom in the AFM: serve them better in concrete ways that make a difference in their working lives. As he writes, "Membership must continue to be a worthwhile investment, where the benefits and services received are always equal to or greater than the costs of affiliation."

But Sprague asks some questions of his own. His first question is, "Is it time for [these] musicians to have an officially recognized AFM Players' Conference?" His second question is, "Does the AFM need to establish and maintain a new department" to deal with issues of concern to these musicians, analogous to the Symphonic Services and Electronic Media Services Divisions? And he asks, "Is it time for a change in the AFM's leadership structure . . . to provide that certain elected positions be nominated and elected exclusively by the various specific common-interest groups within the Federation (symphonic, electronic media, theatrical and casual-club daters, for example)?"

Well, of course, the answers are "yes." But the obviousness of the answers is itself revealing. Even the most cursory look at what most locals, and the AFM itself, provide for the jobbing musician will demonstrate that these musicians need better advocacy within the AFM than they've had so far. But if, as Sprague states, they are already 80% of the AFM's membership, what does it say about the AFM that they, too, need a players' conference? One would think that the majority would be the best-served group, not the worst-served. And, if this group of members has been unable to work the democratic process to their advantage so far, is a players' conference really going to help?

Would a department on the national level help the AFM serve these members better? Of course. But departments aren't much help if they're not funded, a lesson proven by the demise of the Public Relations department and the near-asphyxiation of Organizing & Education. The funding for SSD, EMSD and the Travel and Touring Department comes from work dues levied on musicians in the workplaces served by those departments. But there is no Federation work dues on casual/club date work anymore. The ITF Report proposed imposing a flat Federation work dues on all live work—one of its more controversial proposals, and one that the ICSOM Conference declined to approve. But without its own dedicated source of funding, any new department will either be terminally underfunded or funded by diverting money from other departments—a solution that is clearly unacceptable to the existing Players' Conferences, all of whom have made eloquent and convincing pleas for full funding for their departments for badly needed programs.

And to Sprague's final question, the Unity Conference's answer is also "yes." But if we do "provide that certain elected positions be nominated and elected exclusively by the various specific common-interest groups within the Federation," as he proposes, why would we also need an IEB? Who do *they* represent? Certainly not the working musicians in the AFM. The IEB members are not elected by the working musicians, after all; they're elected by the local officers. It's hardly surprising that working musicians—regardless of workplace—are not very happy with the quality of the IEB's work and feel profoundly disenfranchised within the AFM.



A much different approach to solving the AFM's problems is advocated by two of the IEB's current members. Ken Shirk and Tim Shea recently published the second edition of "Observations from the Cheap Seats," a self-funded effort to promote what has become known within AFL-CIO think-tanks as the "organizing model" of unionism (as opposed to the "service model"). They write, "Growth for our union will only come if we move off the services and business trend and transform our union into an organizing union—one in which all working musicians collectively assert control over the music industry."

Admirable sentiments, to be sure, and not so different from some of what the ITF has proposed. But as one astute observer from Local 802 pointed out at the Unity Conference, stirring words about organizing, whether from the ITF or the Cheap Seats, are no substitute for resources. The kind of organizing that is left to do is both expensive and difficult. From where are the resources to come?

A hint is provided by Shea (who has announced his candidacy for the presidency of the AFM) and Shirk when they write, "If bargaining, administering and troubleshooting Local CBAs is handled competently at the Local level by Local officers and rank-and-file in an atmosphere of respect, trust, and cooperation, our Union will derive two huge benefits: 1) the ever-expanding need for CBA support resources will stop, and 2) the Federation can turn its attention to broader-based activities." And if wishes were horses, beggars would ride.

The reason for the existence of SSD and EMSD was the inability of locals to do precisely what Shea and Shirk say they *should*

do. Defunding those departments in order to do new organizing, which seems to be what they are suggesting, is not only a recipe for a political firestorm but is ultimately self-defeating. Symphonic and recording musicians, after all, are the groups that best exemplify the “organizing model” within the AFM, and have organized most effectively to deal with both their employers and their union. Is the AFM now going to punish them for having done such a fine job of organizing themselves by robbing their departments of the money needed to meet their legitimate trade union needs? That’s an interesting message to send to prospective members—not to mention current ones.

There is, of course, a third answer to the problem of how to serve those AFM members who don’t work under CBAs and probably never will. It’s not a good answer, but it is the one that the AFM as a whole has given implicitly for many years—simply don’t worry about serving them well, and let them leave. But that answer, as easy as it is to implement, does not serve the interests of us musicians who do work under CBAs, because it enlarges the already substantial pool of non-union workers who might someday decide, as some already have, that working in the music business is worth crossing a few picket lines.

Any attempts to help free-lance musicians take control of their workplaces, as we have taken control of ours, must not take away from already-organized musicians what they need from their union. Doing that would weaken the AFM, not strengthen it. Secretary-Treasurer Sprague is right: membership must indeed “make the difference.” But it must continue to make the difference for those musicians who work under CBAs as well as the rest of the AFM’s membership. They, too, have the right to expect that their membership in the AFM will be, as Mr. Sprague says, “a worthwhile investment, where the benefits and services received are always equal to or greater than the costs of affiliation.”

*Robert Levine, ICSOM Chair*

## ARTS ADVOCACY DAY

*Monday, March 15, 1999 and*

*Tuesday, March 16, 1999*

Alfonso Pollard, AFM National Legislative Director, reports that the AFM will again join with hundreds of arts administrators and enthusiasts from across the country to lobby the U.S. Congress in support of publicly funded arts programs. This year the AFM will sponsor a special event entitled A Congressional Sing-A-Long for the Arts. This live performance/press event is scheduled for Tuesday, March 16, 1999 and will feature, among others, AFM brother Peter Yarrow (of Peter Paul and Mary).

Alfonso says, “I respectfully encourage AFM musicians to strongly consider making the pilgrimage to Washington to lobby the Congress. My office is open to suggestions from all of you and is indeed willing to schedule and facilitate visits with your Congressperson on the issues that are important to us.”

## Orchestra Musicians Answer Union’s Call

It appears that the clarion call at the Unity Conference for working musicians to take a more active role in their union has been heard. Recent local union elections have produced an increase in the number of symphony, recording, and theatre musicians elected to union office and as Delegates to the AFM Convention, where they will have the power to vote on matters that could change the AFM.

The AFM Player Conferences, including ICSOM, are permitted by the AFM Bylaws (Art. 27 Sec. 4) to send delegations to the Convention. The ICSOM Chair and President are named in the ICSOM Bylaws as ICSOM’s Delegates to the AFM Convention. However, the Player Conferences have no votes at the Convention, nor may they nominate officers or participate in floor debate on the nominations, nor may they serve on any Convention committees. They are allowed to submit resolutions and speak on the issues, but not vote. Only Delegates representing the locals may vote.

As of December, a majority of the ICSOM Governing Board had been elected to represent their respective locals as Delegates to the 1999 AFM Convention: Stephanie Tretick from Pittsburgh, Michael Moore from Atlanta, David Angus from Rochester, Marsha Schweitzer from Hawaii, and Robert Levine from Milwaukee. Michael, David, Marsha, and Robert also serve as officers or board members of their locals.

## ITF Adjusts Proposals to AFM

The Investigative Task Force, armed with the will of the Player Conferences as expressed at the Unity Conference, met in Portland in December to begin formulating joint resolutions for presentation to the AFM Convention in June 1999. More details on the resolutions will be forthcoming in future issues of *Senza Sordino* as the Convention approaches.

*(HEAR TODAY—GONE TOMORROW: continued from page 3)*

treatment strategy that is unique for that space. However, until such comprehensive analyses are done for each of the venues we play in, we are left with the traditional pragmatic solution to the decibel problem—putting as much distance as possible between the loud instruments and the rest of the orchestra and calling upon backup protection as needed from Plexiglas barriers and earplugs.

*Background for this article came from previous issues of Senza Sordino (v16n4, v17n2, v23n5, v23n6, v30n4), The Pit Bulletin (Fall 1998), the International Musician (May 1998), Una Voce (Feb 1998, April 1998), medical journals, research papers, and earwitness reports from musicians in ICSOM, OCSM, and ROPA orchestras. Thanks to Dr. William Dawson, David Sternbach, Bill Dennison of Local 802, and acoustician Mark Ramsay for providing source material, comments, and bibliographies.*

## Professional Unions On The Rise

### ... In Academia

ADJUNCT PROFESSORS FIGHT BACK – College and university adjunct faculty, who now teach about half of the university courses in the U.S. and may comprise as much as 60% of the faculty, are professional counterparts of the part-time UPS workers who were the focal point of last year's successful Teamsters strike. The October 1998 issue of *Z Magazine* reports that university adjuncts earn as little as \$1,000 per course, and few have health or retirement benefits, job security, intellectual freedom, or involvement in the decision-making process of their institutions.

At an April 1998 labor conference at the City University of New York (CUNY), a new advocacy group for nontenured and adjunct faculty emerged which, in coalition with graduate teaching assistants and other student employees' groups, will seek to reverse the slide in academic working conditions. University administrators claim that tight budgets necessitate increased hiring of more adjuncts. However, flush state budgets and soaring endowments belie their claims. "I will believe them about the budget," said Brodie Dollinger of the National Association of Graduate and Professional Students, "when they hire the first part-time dean."

At the conference Cary Nelson, English professor at the University of Illinois, cautioned those who might still harbor illusions about winning concessions through moral persuasion. "Administrators will grant nothing on their own initiative," he said. "Asking them to look into the depths of their souls is to plumb the shallows. You will win what you take."

GRAD STUDENTS' RIGHTS UPHELD – For the fourth time, California's Public Employee Relations Board has ruled that graduate student instructors can negotiate with the University of California for a contract. The board ruled on December 11 that the graduate student instructors, tutors and special readers at UCLA had the legal right to bargain collectively under state law. The ruling came after a one-week strike at the eight UC campuses to protest the school's refusal to recognize the UAW-affiliated student employees union. – *AFL-CIO Work in Progress* 12/21/98

### ... In Health Care

DOCTORS – About 400 doctors working for the Amerihealth HMO in southern New Jersey have approached the NLRB seeking union representation. "The sole purpose of unionization is to improve the quality of care for patients who are subjected to managed care," said UFCW Local 56 President Anthony Cinaglia. "We are trying to bring medical care back into the hands of physicians." – *Allegro* (Local 802)

NURSES, PARAMEDICS – The Health Professionals and Allied Employees union is celebrating a trio of recent New Jersey wins. At Runnels Hospital in Union County, 70 registered nurses voted for representation. When the 17 paramedics from Pascack Valley Hospital in Bergen County voted to join HPAE, they became the first group of paramedics in the county to organize, and they join 500 registered nurses and technicians at the hospital already in

the union. In addition, 65 registered nurses and office staffers at the Bergen Community Blood Center voted to join HPAE. – *AFL-CIO Work in Progress* 12/21/98

### ... In Sports

On January 6 the six-month professional basketball lockout ended. Chris Sheridan of *The Associated Press* said, "The agreement was reached just 29 hours before the NBA Board of Governors was to vote on cancelling the remainder of the season. It came just before dawn, following an all-night bargaining session at NBA headquarters between commissioner David Stern and union director Billy Hunter. Each side made significant compromises to close the deal, but the owners clearly walked away with a much better agreement than the old one. The players, for their part, came away with their dignity intact and with more money for the non-superstars. 'Did we blink? I guess we both blinked,' Hunter said."

On June 30 the NBA locked out the basketball players, claiming the agreement with the players was "not working" because the players were getting too much (57%) of league revenue. In the new 6-year agreement, there is no revenue limit for the first three years, a 55% limit in years 4-6, and a 57% limit if the league exercises its option to extend the contract to a seventh year.

*The Associated Press* quotes players' agent Norman Blass, "When millionaires get into a bankroll battle with billionaires, millionaires lose. It becomes brinkmanship and the owners have more weapons than the players." Madison Square Garden president Dave Checketts indicated in October that NBA owners should learn from their baseball brethren and keep players out "as long as it takes."

But *SportsTicker* basketball editor Chris Bernucca looked at the other side of the coin, "With an unwillingness to participate in anything other than concession bargaining, Stern and the NBA owners have badly underestimated the unity and resolve of the players. Having spent the last decade marketing its stars, the NBA now painfully realizes what coaches and general managers have known for years—blemishes, warts and all, it's a players' league, and without players, owners own nothing."

**"At its core, organized labor has always been a 'rights' movement.** What are collective agreements, labor laws or even labor standards other than the codification of workers' rights? What is a union other than an organization built by workers to win rights, and the vehicle necessary for exercising those rights?

"The difference between having rights and being able to exercise them is not readily apparent. But in the same way that having a driver's license doesn't get you anywhere without the use of a car, it's important to understand that there is a difference between having rights and having what it takes to exercise them—a vehicle. Organized labor understands that rights are not self-actualizing. Collective agreements don't enforce themselves. Like muscles, rights will atrophy if they are not exercised. And like muscles, they are strengthened with use."

– *Elaine Bernard in The Nation, September 21, 1998*

## Do Millionaires Need A Union?

Why do people who make millions of dollars join a union? Are they just greedy, ganging up on employers and the public, going on strike, to demand even more? Professional athletes, movie stars, airline pilots, and even some musicians are often accused of socially unjustifiable motives for their labor actions. So why do people who make a comfortable or better living seek union protection in their workplaces?

The professional basketball lockout is an interesting case in point. Although we are meant to think that it was about rich players wanting to get even richer, it was really about much more than that. It was about a management attitude that says, "We, the bosses, want to protect our wealth ahead of yours. We will decide how much, if any, of the profits that your labor makes for us will go to you after we have first taken what we want. We have the power to control this game. We will pull the plug on the season unless you do it our way." That stance is abuse of power, pure and simple, and it matters not a whit whether the victims are millionaire basketball players, sweatshop seamstresses, or symphony musicians.

*Clerk:* Am I to be kept on, sir?

*Scrooge:* How much are you paid?

*Clerk:* Five shillings, sir.

*Scrooge:* Will you stay on for four?

*Clerk:* Oh yes, thank you, sir!

— from the 1938 film *A Christmas Carol*

The reason for our disgust at this scene of 19th-century English labor relations has little to do with the amount of money involved in the transaction. It is possible that the clerk could still have lived comfortably on four shillings instead of five (although, given the crushing poverty of a typical Dickens working-class character, even five shillings was probably inadequate). The real stomach-turning issue in this dialogue is Scrooge's leveraging the clerk's job security against his acceptance of a unilaterally imposed pay cut, in total ignorance of and disregard for the clerk's legitimate needs and the quality and quantity of his work.

The clerk's cheery "thank you" in response to the pay cut was not an expression of gratitude, but of fear—fear of losing his job and fear of antagonizing an unfeeling master who would likely impose further cuts in retaliation, without warning and without any just rationale. The fact that Scrooge had the power to limit the clerk's choices to two deleterious and unacceptable alternatives and that the clerk, by himself, had no power to safely advance other fairer alternatives is the tyrannical and abusive social condition that created unions and the labor movement.

Labor relations are not about money. They are, just as the term implies, about relationships—the complete relationship between workers and their employers. How much an employee gets paid is only one of many facets to that relationship. Money is but one tool, albeit a popular and powerful one, that management uses to advance its cause in the fundamental battle of all labor relations—the battle to exercise power and secure control of the workplace.

# HAPPY NEW YEAR



## Severe Weather Warnings

Storm clouds are gathering again over San Diego, this time concerning the **San Diego Opera** contract negotiations. In late November, management declared an impasse in negotiations, bypassed the bargaining team, and mailed its version of a new contract directly to musicians. The union responded by filing unfair labor practice charges with the NLRB. The management's proposed contract contained many regressive provisions, eroding hiring and firing procedures, job security, and working conditions. The musicians interpret the Opera's hard line as its taking advantage of musicians left tired and economically vulnerable from the long battle to save the San Diego Symphony. The majority of San Diego Opera musicians also play in the San Diego Symphony.

Labor squalls also hit the East Coast and the free-lance orchestras in New York City, particularly the **New York Pops** and **The Little Orchestra Society**, whose December holiday concerts were cancelled due to contract disputes. There are 11 part-time union orchestras in and around New York City who normally coordinate their schedules and contract terms, so labor problems in one may ripple to the others, as well.

Fasten your seatbelts. Rough ride ahead.

All workers need money, of course, but whatever they are paid, they also need respect, a measure of autonomy and volition in carrying out their duties, safe and comfortable work environments, job security, long-term benefits like pension and health insurance, and a reasonable assurance that the value of their labor will be recognized and fairly rewarded. Not only do we need these things; we deserve them and have earned them, by virtue of our status as human beings with basic human rights, and also our status as the producers of the products that give the company we work for the funds and the reason to stay in business.

A basic principle of labor that working people often forget is that every dime of income a business derives from the sale of its products or services, whether that business is a basketball team, a symphony orchestra, a manufacturer, a college, or anything else, comes from the efforts of labor. Workers—not management, not the owners—are responsible for the company's value to the community, its profits, its very existence. Labor is owed compensation and respect in proportion to its contribution.

*Marsha Schweitzer, Editor*

## Newslets

**Unions win in U.S. Supreme Court.** The union security clauses found in many collective bargaining agreements—the provisions that require workers who benefit from union contracts to join a union or pay appropriate union dues—were recently tested in the United States Supreme Court. In *Marquez vs. the Screen Actors Guild*, an actress challenged the contract that required her to pay union dues and initiation fees. In November the Court ruled in a unanimous 9-0 decision that union security clauses as presently worded do not violate the rights of workers. Justice Sandra Day O'Connor wrote that, though unions must notify workers they need not become full union members, this right doesn't have to be spelled out in the contract. This ruling by the Court does not change any existing law, and has no applicability in right-to-work states.



**Rio is the new hideaway for music pirates.** No, not Rio, the city, but Rio, the portable digital audio player, the hottest new technogadget on the block. *Newsweek* (12/14/98) reports that the Rio can store "about 30 minutes of near-CD quality music on its built-in 32MB memory card, in a format called MP3 that compresses large audio files to less than a tenth of their original size." The advent of more powerful new computers with huge hard drives, recordable CDs, affordable CD burners, and the availability of easy-to-use MP3 encoders downloadable from the Internet has led to an explosion of pirated music, both taken off the Internet and copied from CDs.

The Recording Industry Association of America (RIAA) sued Diamond Multimedia, producer of the Rio, petitioning the court to issue a temporary restraining order to keep Diamond from distributing the Rio in time for Christmas. But a federal judge lifted the restraining order, ruling that "since files cannot be copied from the Rio to another device, the Secretary of Commerce would probably find that the Rio complies with the 1992 Audio Home Recording Act."

The *San Francisco Examiner* reported that in 1997, the RIAA notified hundreds of websites that they were infringing copyrights and facing potential litigation. In December, the five largest labels—BMG Entertainment, EMI Recorded Music, Sony Music Entertainment, Universal Music Group and Warner Music Group—announced they would form a coalition to develop methods to protect copyrighted music on-line. Alan Saracevic of the *Examiner* wrote, "audio . . . is already a viable on-line product. Digital music files can be bought, sold or stolen with no physical product changing hands. As a result, the traditional music distribution model is facing revolutionary change."

The record labels want a digital audio delivery system in which devices like Rio play back only encrypted audio files, limiting unauthorized reproduction of the music. MP3.com president Michael Robertson objects, saying, "Security is restriction, which lessens the value to the user. It prevents them from using the music the way they want."



*The Chronicle of Philanthropy* (12/17/98) reported from a study by the Foundation Center that **foundation grants to arts organizations** grew to an estimated \$1.7 billion in 1996, up \$330 million from four years earlier. However, the share of total foundation contributions that went to the arts slipped from 13.3% to 12.2% during those years. The study indicated that 4748 grants totalling \$297,151,461 were made to the performing arts in 1996, of which 1323 grants totalling \$79,116,870 went to music, of which 686 grants totalling \$52,101,946 went to orchestras.

## International Conference of Symphony & Opera Musicians (ICSOM)

Affiliated with the American Federation of Musicians – AFL-CIO

### ICSOM Governing Board

**Chairperson**  
Robert Levine  
Milwaukee Symphony  
7680 North Longview Drive  
Glendale WI 53209-1862  
(414) 352-3246 / FAX (414) 352-6090  
rtl@icsom.org

**President**  
David R. Angus  
Rochester Philharmonic  
284 Castlebar Road  
Rochester NY 14610  
(716) 244-2514 (Voice/FAX)  
david.angus@icsom.org

**Secretary**  
Lucinda-Lewis  
New Jersey Symphony  
4 West 31st Street #921  
New York NY 10001  
(212) 594-1636 (Voice/FAX)  
lucinda-lewis@icsom.org

**Treasurer**  
Stephanie Tretick  
Pittsburgh Symphony  
3979 Boulevard Drive  
Pittsburgh PA 15217-2619  
(412) 422-7275 (Voice/FAX)  
stephanie.tretick@icsom.org

**Editor, Senza Sordino**  
Marsha Schweitzer  
Honolulu Symphony  
905 Spencer Street #404  
Honolulu HI 96822  
(808) 531-6617 (Voice/FAX)  
marsha.schweitzer@icsom.org

### MEMBERS AT LARGE

James L. Clute  
Minnesota Orchestra  
447 Newton Avenue South  
Minneapolis MN 55405  
(612) 374-9373  
jim.clute@icsom.org

Michael Moore  
Atlanta Symphony  
953 Rosedale Road NE  
Atlanta GA 30306  
(404) 875-TUBA (Voice/FAX)  
michael.moore@icsom.org

Mary Plaine  
Baltimore Symphony  
630 Deepdene Road  
Baltimore MD 21210  
(410) 433-6063  
mary.plaine@icsom.org

Charles Schlueter  
Boston Symphony  
60 Otis Street  
Newtonville MA 02460-1823  
(617) 964-4019 / FAX 630-8077  
charles.schlueter@icsom.org

### ICSOM Orchestras

Alabama Symphony Orchestra  
Atlanta Symphony Orchestra  
Baltimore Symphony Orchestra  
Boston Symphony Orchestra  
Buffalo Philharmonic Orchestra  
Chicago Lyric Opera Orchestra  
Chicago Symphony Orchestra  
Cincinnati Symphony Orchestra  
Cleveland Orchestra  
Columbus Symphony Orchestra  
Colorado Symphony Orchestra  
Dallas Symphony Orchestra  
Detroit Symphony Orchestra  
Florida Orchestra  
Florida Philharmonic Orchestra  
Grant Park Symphony Orchestra  
Honolulu Symphony Orchestra  
Houston Symphony Orchestra  
Indianapolis Symphony Orchestra  
Jacksonville Symphony Orchestra  
Kansas City Symphony  
Kennedy Center Orchestra  
Los Angeles Philharmonic  
Louisville Orchestra  
Metropolitan Opera Orchestra  
Milwaukee Symphony Orchestra  
Minnesota Orchestra  
National Symphony Orchestra  
New Jersey Symphony Orchestra  
New York City Ballet Orchestra  
New York City Opera Orchestra  
New York Philharmonic  
North Carolina Symphony  
Oregon Symphony Orchestra  
Philadelphia Orchestra  
Phoenix Symphony Orchestra  
Pittsburgh Symphony Orchestra  
Rochester Philharmonic Orchestra  
Saint Louis Symphony Orchestra  
Saint Paul Chamber Orchestra  
San Antonio Symphony  
San Diego Symphony Orchestra  
San Francisco Ballet Orchestra  
San Francisco Opera Orchestra  
San Francisco Symphony Orchestra  
Syracuse Symphony Orchestra  
Utah Symphony Orchestra

**The ICSOM Website**  
<http://www.icsom.org>



*Senza Sordino* is the official publication of the International Conference of Symphony and Opera Musicians and is published four to six times a year. ICSOM is affiliated as a conference of the American Federation of Musicians of the United States and Canada, AFL-CIO. Unauthorized reproduction of any part of *Senza Sordino* is strictly forbidden. Copyright © 1999. All rights reserved. ISSN 1074-7850

**ICSOM Counsel**  
Leonard Leibowitz  
400 Madison Avenue #600  
New York NY 10017  
(212) 832-8322 / FAX 605-0909

**ICSOM Emeritus Program**  
Abe Torchinsky  
777 W. Germantown Pike #1028  
Plymouth Meeting PA 19462  
Phone: (610) 277-3981  
AbeT825844@aol.com

**Orchestra-L and WebMaestro:** Robert Levine

**Subscriptions:** \$10 per year, payable to *Senza Sordino*, c/o Marsha Schweitzer, 905 Spencer Street #404, Honolulu HI 96822