

Senza Sordino

Official Publication of the International Conference of Symphony and Opera Musicians

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June 2002

"Unity Two" Convenes in Ottawa

- Who:** All officers and delegates of ICSOM, OCSM and ROPA, and guests.
- What:** The second Unity Conference (affectionately known as "U-2") of the three AFM symphonic player conferences—ICSOM, OCSM, and ROPA.
- When:** Wednesday, August 14 through Saturday, August 17.
- Where:** Ottawa Marriott
100 Kent Street, Ottawa, Ontario, Canada K1P 5R7
Phone: 1-613-238-1122
Fax: 1-613-783-4229
Toll Free Reservations: 800-853-8463

The Ottawa Marriott is a full-service 480 room, newly renovated property, centrally located in downtown Ottawa close to business and government offices and within close proximity of the Ottawa Convention Centre. Parliament buildings, national museums, galleries and shopping are within walking distance of the hotel. The Ottawa Marriott features Ottawa's only rooftop revolving restaurant "Merlot" for fine dining and all-day bistro-style restaurant "Cafe Toulouse," as well as "Lautrec's" Lounge. Additional facilities include the "Kent Club" fitness centre and indoor pool with an extensive children's play area (KIDS ZONE), and 24,000 square feet of first class meeting and convention space.

Why: Why not?

Agenda:

The Conference will convene Wednesday morning at 9:30 a.m. Delegates should plan to arrive in Ottawa by Tuesday evening. There will be two plenary sessions for the entire assemblage, one on **Troubled Orchestras** and another on **Orchestra Artistic Leadership**, exploring the role of the music director and orchestra musicians in artistic decision-making, defining the line between contract concerns and artistic concerns, and identifying the "artistic police"—who makes artistic judgments, hires, and fires?

There will be multiple breakout sessions on **orchestra finance, labor law, music medicine, and other topics** by an array of specialists including attorney Leonard Leibowitz and the AFM Symphonic Services Division.

The remaining sessions will be scheduled by each separate player conference to conduct its own business, which in ICSOM's case includes the election of ICSOM officers.

On Wednesday evening will be the ever-popular social event, **The Mixer**, which this year will celebrate the 40th anniversary of ICSOM and the 25th anniversary of OCSM. Robert Grossman, Philadelphia Orchestra ICSOM Delegate and Master Brewer, has prepared a special Commemorative Brew for the occasion.

ICSOM and OCSM delegates, local officers, and guests who may be interested and available are invited to attend the ROPA **Negotiating Orchestra Workshops** on Tuesday, August 13th, afternoon and evening.

Note:

Article 5.22 of the AFM Bylaws requires your local to pay "the reasonable and necessary expenses of sending one Delegate to the appropriate annual conference of ICSOM, OCSM, or ROPA ..." The room rate per night, with tax, will be \$159.04 Canadian or approximately \$98.60 US. To guarantee the special conference room rate, please make your reservations before July 13, 2002.

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Canadian Travel Tips

The U.S. Department of State offers these tips for travel to Canada. (Thanks to ROPA *Leading Tone* editor Tom Fetherston for doing the web search. Tom recommends these sites for more information: http://travel.state.gov/tips_canada.html and <http://travel.state.gov/canada.html>.)

Visas and travel documents: Visas are not required for U.S. tourists entering Canada from the U.S. for stays up to 180 days. You will, however, need (1) proof of your U.S. citizenship such as (a) your U.S. passport or (b) original or certified copy of your birth certificate and photo identification. (For information on obtaining a U.S. passport, check with the nearest passport agency located at 13 locations throughout the U.S.) If you are a naturalized citizen and do not have a passport, you should travel with your naturalization certificate. Alien permanent residents of the U.S. must present their Alien Registration Card, commonly called the "Green Card."

Additional regulations apply if you are traveling with children, pets, or restricted goods.

For further information, including information on student or business travel, visitors can contact the Embassy of Canada at 501 Pennsylvania Ave., NW, Washington, DC 20001, (202) 682-1740 or the nearest Canadian consulate.

If you have any questions about what you can and cannot bring into Canada, call Canada Customs. Customs officers are available from 8:00 a.m. to 4:30 p.m. Monday through Friday to answer your questions. If you're calling in Canada, dial 1-800-461-9999 for the Automated Customs Information System. Outside Canada, call (613) 993-0534.

Passport: While not officially necessary, a passport is the surest way to make certain you have no hassles entering and leaving Canada. It takes up to 6 weeks to get a passport, so plan ahead. Due to heightened tensions surrounding international travel, some airlines are requiring passport information at the time reservations are made.

ICSOM's travel specialists, Susan Levine and Carl King, are ready to help you with your travel arrangements, as always, at

CTS/Cassis Travel

Phone: 800-726-2757 x 515

212-333-3633 x 113

Fax: 212-247-3702

Email: suetravel@aol.com



Speaking of Canada ...

Here's an update on the situation in Canadian orchestras as reported in *Senza Sordino*, January 2002:

On March 21 the **Edmonton Symphony Orchestra** ended a month-long strike. The package included cutbacks worth about \$1,000 in a \$40,000 salary. But the main item was an agreement to negotiate a role for musicians on the symphony board. A group of Edmonton citizens, lead by the ESO's former music director, had threatened to start a rival orchestra with higher salaries and more musician control if the ESO board did not offer a contract satisfactory to the musicians. The ESO is running a large deficit, but the board is intent on raising more funds and returning to stability.

Increased musician involvement on the board was also a factor in the quieting of tensions in the **Toronto Symphony** last winter. **The Winnipeg Symphony**, which also had a work stoppage earlier this year, has also brought musician representatives onto its orchestra board.



Orchestra labour relations, as well as the weather, were a little chilly last winter in Edmonton.

Pension Arbitration Decision Announced *Vesting Remains The Same*

The AFM-EPF (the Pension Fund) received a ruling on January 21, 2002 from the arbitrator who was chosen to break the deadlock over four motions proposed by the employer trustees in October 2000. The arbitrator, Norman Brand, voted as follows:

* On the employer trustees' motion to triple the amount of covered earnings required for a year of vesting credit, from \$1500 to \$4500 (and also to triple the amount of earnings required to earn vesting credit by quarters), the arbitrator voted NO. This motion was therefore defeated.

* On the employer trustees' motion to triple the amount of covered earnings required in a year to avoid a break in service, from \$375 to \$1125, the arbitrator voted NO. This motion was therefore defeated.

* On the employer trustees' motion to reduce the pre-retirement death benefit that is payable to the beneficiary of a vested participant who dies before retirement, the arbitrator voted YES. This means that the pre-retirement benefit will equal 100 times the monthly pension that the participant would have been entitled to receive (a) beginning on the date of death if the participant was 55 or older, or (b) beginning at age 55, if the participant died at an earlier age. (The current pre-retirement benefit equals 100 times the monthly pension that the participant would have been entitled to receive at age 65 if the participant dies at or after age 60, or 90 times the monthly pension that the participant would have been entitled to receive at age 65 if the participant dies at or after age 55 but before age 60, or 65 times the monthly pension that the participant would have been entitled to receive at age 65 if the participant dies before age 55.)

* On the employer trustees' motion to reduce the post-retirement death benefit that is payable under the "life annuity with guarantee" to the beneficiary of a pensioner who dies before receiving 100 monthly benefit checks, the arbitrator voted YES. This means that the post-retirement benefit will equal 100 times the monthly pension that the participant was entitled to receive when the benefit commenced, minus the benefits that the participant actually received while he or she was alive. (The current post-retirement benefit equals 100 times the monthly pension that the participant would have been entitled to receive at age 65.) This motion will not affect the guaranteed amount of any pensioner who retired before the change takes effect, and any participant who retires after the change takes effect will be entitled to a guarantee amount that at least equals the amount that would have been guaranteed before the amendment takes effect.

On the motions to change the pre-retirement and the post-retirement death benefits, the arbitrator did not set a precise date for these changes to take effect but asked the Pension Fund trustees to attempt to agree on the implementation date, considering "administrative practicability." One other important point to note: the changes in the post-retirement death benefit will not affect the amount of the benefits that will be paid to the surviving beneficiary of a pensioner whose benefits are payable in the form of a joint-and-survivor annuity.

San Jose Symphony season in doubt

I am sad to report that the San Jose Symphony is on the edge of going dark for at least 6 months, probably a year or more, and more than likely will soon file for bankruptcy. This comes despite the tireless efforts of our negotiating committee, our musician board representatives, our Local officers, and many dedicated community members who were involved in the attempt to keep the orchestra afloat during a transitional restructuring period. The interim board is of the overwhelming opinion that a clean break from the past is necessary to attract new funding sources which have not been forthcoming in the last 8 months since our semi-shutdown.

There exists several scenarios, as set forth by a community advisory panel, for what sort of entity will eventually emerge from our demise. Suffice it to say, no one envisions a return to what we have known to be our orchestra. Perhaps the worst scenario is the establishment of a "presenting organization" who would sponsor major touring ensembles and artists, but with no active local orchestra, per se. More likely we will see a scaled-back orchestra with a new name, fewer musicians, and with expanded educational and multicultural roles in the community. No one really knows.

While the musicians feel that we have reached the end of our influential rope with regard to the imminent decisions to be made by the board, there are long-term issues we must address in order to maintain the integrity of our bargaining unit. Specifically, we want to ensure that those tenured and probationary musicians currently working under our existing CBA will be assured of positions when a new entity emerges.

David Schoenbrun
SJ Negotiating Committee

Update from David Schoenbrun on June 6, 2002: We're in a holding pattern at the moment, waiting for the Interim Board to decide on what form of bankruptcy with which to proceed (likely Chapter 11). Meanwhile we're negotiating a sideletter to sustain our CBA and ensure the integrity of the bargaining unit during the "dark period" and provide for at least COBRA health benefits for those who need them.

Senza Sordino is the official voice of ICSOM and reflects ICSOM policy. However, there are many topics discussed in *Senza Sordino* on which ICSOM has no official policy; the opinions thus expressed in *Senza Sordino* are those of the author(s) and not necessarily of ICSOM, its officers or members. Articles and letters expressing differing viewpoints are welcomed.



In the “Great Electronic Media Debate” issue (March 2002), Ken Yoshida discussed the **origins of the Limited Pressing Agreement**. Brother Yoshida noted that he was conveying what others have told him as opposed his personal recollections. I must say that these others gave him information that was not quite accurate. As someone who was very much involved in the Limited Pressing revolution, I feel compelled to offer the real story behind one of the most significant events in the AFM’s history.

First of all, the concept did not originate among “jazz and gospel” musicians in Los Angeles (or in any other one place). It was a Federation-wide grass-roots movement. Technological changes had lowered the cost of recording enough—though not yet to the “studio in any garage” level—to allow work on which the major recording centers had previously held an essential monopoly to proliferate throughout the “secondary” markets, often with little Federation control.

The then-leadership of the AFM addressed this phenomenon in a very curious way. It “worked out” a “special deal” in Nashville, promulgated throughout the Federation, for “demonstration recordings.” These so-called “demos” were regularly pressed and sold. This is blatantly absurd: A “demonstration recording” by definition is a promotional *non-product* used to audition a composition, arrangement, performer, or group. Using a “demo” for commercial product is intrinsically contradictory.

After much coast-to-coast discussion, one vigorous union official—Ray Hair, President then of the Fort Worth Local and now of the merged Dallas-Fort Worth Local—decided to stop talking and to do something. In 1986, he proposed a Resolution to the Western Conference to establish a reduced-price for phonograph recording with limited distribution. The Conference enacted the Resolution unanimously. He then took it to the Southern Conference, where it was again overwhelmingly supported, though with some amendments.

The RMA, with the endorsement of all six of its Chapters and the support of all major plus many smaller Locals, carried this concept to the 1986 phono negotiations. In the pre-negotiation meetings, the AFM leadership flatly refused to take the proposal to the table in spite of its nearly universal support. In March 1987, however, the IEB did authorize Locals to enter into Local Limited Pressing Agreements for projects of up to 5,000 units (2,000 in Canada) that met certain minimum standards.

Initially ICSOM rejected Limited Pressings for Symphonic recordings. Through the ensuing years ICSOM first approved allowing an orchestra that had never before recorded to make one (period, not one per year) Limited Pressing. This restriction was eased over the years until it reached its current incarnation of one per year with a higher number of allowed units, a Federation rather than a Local Agreement (this applies only to Symphonic record-

ing), and case-by-case approval from the musicians. This final protection makes Limited Pressing permissible rather than mandatory and prevents its use without the musicians’ sanction.

One cannot exaggerate the good that Limited Pressing has done both in the Symphonic and non-Symphonic fields. Countless recordings that would never have been made or would have been recorded “dark” are now being done under union conditions and contracts. Any perceived downside to this is easily remedied through the protections already in place. In addition, Limited Pressing opened the door to a far more reality-oriented view of the vast recording workplace than had ever previously been seen in the AFM’s thinking.

*Richard Q. Totusek,
RMA Secretary and Itinerate Parliamentarian
rqt@lvcm.com*



President Lee Defends Musicians

March 4, 2002

Mr. James W. Ziglar, Commissioner
U.S. Immigration and Naturalization Services
U.S. Department of Justice

RE: Kirov Opera & Ballet Symphony Orchestra

Dear Commissioner Ziglar:

It has come to our attention that the 112-piece Kirov Opera and Ballet Orchestra (“Kirov”), which entered this country under the auspices of the Kennedy Center for Performing Arts in Washington DC, has done so under false pretenses which we believe amount to fraudulent behavior.

My Assistant, Mark Heter, reviewed a petition from the Kennedy Center requesting a P-1 consultation for this orchestra for a series of Opera and Ballet performances (see enclosed). Upon reviewing the materials, it was determined by Mark that, as submitted, this fell well within the established current regulatory requirements for the P-1 visa.

Subsequent to this letter of no objection, the Kirov came to the United States for its performances at the Kennedy Center. However, in addition to the performances listed in their visa application, this orchestra engaged itself in recording a motion picture soundtrack for Paramount Pictures – activity they did not list in their visa application. This soundtrack recording represents unfair competition for American workers who have done this work in the United States under American Federation of Musicians contracts for years.

We strenuously object to any further issuance of P-1 visas for the Kirov Orchestra until such time as we can be assured they are not entering this country to ruin established employment for our membership. They do not receive our wages, benefits, or residual rights, nor do they pay taxes that we are aware of.

Given the climate of war in which we now live and President Bush’s commitment to Homeland Security, we are deeply disturbed that an arm of the United States Department of Justice would

“Voicings” graphic design and concept by Michael Gorman and Norman Foster (bass and clarinet, respectively, of the Honolulu Symphony)

enable, in any fashion, deceptive behavior on the part of foreigners working on our soil. This time it was only economic terrorism which victimized hard-working American musicians. The next group entering this country under false pretenses may have far, far worse in mind. The INS cannot continue to turn a blind eye; it must not throw up its hands in bureaucratic apathy.

The Kirov was admitted to the United States expressly as an accompaniment to Opera and Ballet performances. They were not admitted to steal work from American recording musicians, undercut American wages, and permit Paramount Pictures to dodge paying payroll taxes. If they are going to lie by omission about the pretense under which they wish to enter this country, then future entry into this country, by all rights, should be denied them.

Sincerely,

Thomas F. Lee
President, AFM



Editorial Announcement for KCRW radio (Los Angeles):

“I am Tom Lee, the International President of the American Federation of Musicians. The AFM represents over 100,000 professional musicians. Our members include famous recording musicians, struggling royalty artists, and session musicians whose names you never learn but whose great music you hear on thousands of recordings.

It is easy to think of all recording musicians as rich and glamorous, but the facts are different. Many talented and hard-working musicians struggle to make a living. At the same time, commercial broadcasters earn huge profits by broadcasting music without paying any royalties to the musicians who recorded the songs.

Congress corrected part of this problem when it changed the law to require digital music services to pay for the use of sound recordings. But broadcasters and webcasters continued to stream our music for free while they waited for a government panel to set a royalty rate. That panel carefully considered months of evidence before it recommended royalty rates for online streaming. The truth is that the recommended rates won't bankrupt commercial webcasters and broadcasters. Indeed, the evidence showed that those industries expect to pay - and do pay - market rates for everything else they need. The music upon which they build their businesses should not be an exception. Musicians are entitled to be paid for the use of their work. That is just fundamental fairness. What is more, it is essential for our culture, because if musicians cannot earn a living they cannot continue to create the sound recordings that we all love. Fifty percent of the new digital performance royalty payments will go directly to musicians and vocalists. This new income stream is critically important to musicians. It is time for the complaints to end, and the payments to begin.”

In a decision reached on February 20, the CARP recommended that Webcasters be required to pay 14 one-hundredths of a cent (0.14, or \$0.0014) per song streamed to each listener. Terrestrial radio stations would be required to pay one-half that amount when they stream their radio broadcasts on the Internet. The Librarian of Congress recently rejected that recommendation and is scheduled to decide the issue by June 20.

You Can Help!

Dear AFM Members,

As you undoubtedly are aware, an arbitration panel appointed by the Copyright Office (the Copyright Arbitration Royalty Panel, or CARP) recently set rates for the license fees that broadcasters and Web casters are required to pay when they stream sound recordings on the Internet. By statute, 50% of these new license fees are required to be paid to performers – 45% to featured musicians and vocalists, and 5% to non-featured musicians and vocalists. These digital performance license fees will become an important new income stream for recording musicians.

Unfortunately, the release of the CARP Report was followed by an intense press campaign that aimed to create fear that the new license fees will destroy Web casting. But the press stories were based on miscalculations of the license rate, and grossly overstated the fees that Web casters and broadcasters will have to pay. Even worse, Web casters and broadcasters have asked Congress to intervene – among other ways, by ordering a five year moratorium on all license payments.

Recording musicians need your help. Please write to your Senators and Congressmen and let them know that you believe they should not interfere with the CARP process. A sample letter for this purpose can be found on the AFM website: www.afm.org.

Musicians are entitled to be paid for their work. Web casters and broadcasters have many costs, but one of the least expensive is the music that forms the basis of their businesses.

Please speak out on this important issue. To find the fax, email, or mailing address of your local representatives please visit www.senate.gov and www.house.gov.

Sincerely,

Tom Lee, President
American Federation of Musicians



from “Joint Statement on Current Issues in Radio” to the Federal Communications Commission (FCC) and the U.S. Congress (May 24, 2002):

Tom Lee, International President, AFM: “The art of music and the business of music both suffer when a *de facto* payola system means that recording artists must pay small fortunes in so-called independent promotion fees for the chance to be heard on the radio. When you add to that the potential for a handful of radio station groups to lock up huge portions of the live music business by owning concert promoters and live performance venues – and then to pressure artists to perform only in their venues and only for their promoters – the effect is ruinous for artists, consumers and the growth of American music and culture. The AFM and its 110,000 members are proud to stand with the music community coalition in asking the FCC and Congressional leaders to review these aspects of the radio industry.”

To read the full text of this document, visit the AFM website: www.afm.org. – Ed.



ConcertWorks, Inc.

Consortium Will Facilitate Future Internet Broadcasting

One clear insight to emerge from the Electronic Media Forum was that, while the Internet presented significant new opportunities for orchestras, technology acquisition and website operations might be difficult and expensive for many orchestras to explore on their own. Out of that insight came the concept of a national consortium to help American orchestras get on the Internet.

In the two years since this idea was first discussed, a small steering committee from the EMF has been working on developing such a consortium. Much has changed on the Internet landscape in that time, but unfortunately, few orchestras have made much progress in cracking the Internet puzzle. As a result, the need for such a consortium has only become clearer.

In May, the steering committee made its final report to the National Internet Oversight Committee. The working group presented bylaws and other documents required for incorporation, a list of orchestras that had signed commitment letters, a financial plan for the consortium's first two years of operation, and a name – ConcertWorks.

The purpose of ConcertWorks is to provide the technology needed for orchestras to put music on their own websites. Using the Internet Agreement and a Local Internet Oversight Committee, orchestras will, for example, be able to stream their concert tapes, either as webcasts or by consumers selecting works or whole programs to receive, or they can make music available as downloads. Orchestras can charge for product, make it freely available to all comers, or make it available to select groups such as donors or subscribers. Through digital rights management software, orchestras can set their own restrictions on how consumers can use the product, in particular whether or not it can be copied to other devices such as portable players.

Services provided by ConcertWorks will include:

- Converting an orchestra's existing analog or digital audio recordings into a compressed, Internet-deliverable digital form.
- Applying rights-management restrictions to these recordings, so that their use is controlled.
- Hosting these recordings in a secure, high-performance environment.
- Acting as a transparent technology provider whose services are integrated seamlessly into the orchestra's website.
- According to an orchestra's preferences, collecting subscription or pay-per-download fees from customers or offering free access to some of all of an orchestra's website visitors. (e.g., a client's subscribers or donors, or only those users who provide registration data).
- Providing orchestras with data on usage of their recordings, including registration data and email contacts.
- Creating, managing and delivering a streaming Internet radio channel.

· Professional consultation on how to use this new technology most effectively and how to set up this service on the orchestra's website for the best user experience.

ConcertWorks is being established as a nonprofit organization. Its governance structure was modeled on that of the AFM-EP Fund, which is run by a board composed equally of representatives of employers and employees. ConcertWorks will be governed by a board of 17 directors; eight managers and five musicians from participating orchestras, one appointee each of the AFM, ROPA, and ICSOM, and one external director elected by the entire board. Its revenues (except for start-up funding) will come from the fees it charges its member orchestras for participation and additional services.

Initial funding for ConcertWorks has been provided by the Andrew P. Mellon Foundation. While additional start-up funding is still being sought, the initial goal of ten launch-client orchestras has been met, and the Steering Committee is working with several of them to get demonstration projects up and running quickly.

More information on ConcertWorks can be found on the Web at <http://info.concertworks.org>.

Robert Levine
ICSOM Chair

Internet Contract Extension Proposed

The AFM and the Major Managers' Media Committee have agreed to propose a two-year extension of the Symphony/Opera/Ballet Internet Agreement, which expires on July 31. The Agreement will be extended without change, except for a clause allowing either party to reopen the Agreement to discuss issues relating to rates for webcasting recently proposed by the US Copyright Arbitration Royalty Panel (CARP).

The extension was recommended to both parties by the National Internet Oversight Committee, which met in New York on May 6. In agreeing to recommend the extension, the union-side members of the NIOC informed the managers that they would withdraw their previous recommendation to musicians regarding the treatment by Local Internet Oversight Committees of simultaneous streaming of orchestra radio broadcasts. That recommendation, which had created some controversy in the field, was that LIOCs allow such simultaneous streaming of radio broadcasts without additional payment to musicians.

As required by AFM bylaws, the extension will be subject to a ratification vote by affected musicians. At the time *Senza Sordino* went to press, the timetable and procedure for such a vote had not been determined by the AFM.

Closing Cadence

John de Lancie

John de Lancie, 80, retired principal oboist of the Philadelphia Orchestra and ICSOM Emeritus, died May 17 of leukemia in California.

Mr. de Lancie was born in Berkeley, California. He entered the Curtis Institute of Music at age 14 to study with the legendary Marcel Tabuteau. He joined the Pittsburgh Symphony in 1940, and in 1942, entered the U.S. Army and played in the Army Band. De Lancie served in Germany during World War II, and during that time he suggested to Richard Strauss the idea of writing a concerto for oboe. The Strauss Oboe Concerto became a reality in 1945. From www.richard-strauss.com:

At end of war Pittsburgh Symphony oboist John de Lancie, then an American soldier billeted in Garmisch, visits the composer and sows idea for Oboe Concerto. Strauss completes it before moving to Switzerland with Pauline [his wife].

He later commissioned works by Jean Francaix and Benjamin Lee. In 1946 de Lancie joined the Philadelphia Orchestra, serving as principal oboe from 1954 to 1977. He was then appointed director of the Curtis Institute of Music, a post he held until 1985.

John de Lancie is remembered as a teacher as well as a performer. His students hold principal oboe positions in Philadelphia, Boston, Montreal, Minneapolis and elsewhere. He is survived by his wife, Andrea; his son, the actor John de Lancie; daughter Christina; and his brother, Richard de Lancie.

I'll never forget when in Aspen I hemorrhaged very badly. Both John and his wife Andrea insisted I go to the local hospital and stayed with me practically the entire night in the ER. I'll never forget their thoughtfulness. They knew my wife couldn't handle my problem by herself. Both of them were not in good shape but still were really loyal friends. I'll certainly miss him.

*Abe Torchinsky, Philadelphia Orchestra tubist, retired
ICSOM Emeritus Director*



I was personally very saddened to hear that **Phil Sipser** (ICSOM's first attorney) had passed away. In the '40's I knew "Izzy" Sipser. There was an American Labor Party office in Williamsburg, Brooklyn NY, where he was very active, fighting to better the lives of the working people of Brooklyn. I got to know him there when he and I were quite young. In later years he continued to fight to better the lives of musicians, which he did. He was a caring and special person.

*Phil Fath
San Francisco Symphony and Opera clarinetist, retired*



John Barwicki

My, father, John Barwicki, died on the morning of November 25, 2000, after suffering with terminal cancer. He was 90 years old at the time of his passing, wonderfully active – drove a motor scooter and skated, was clear in mind and spirit, continued to practice the double bass until the last two or three months of his life. He like to, as he said, keep his fingers limber and calloused. I'm sure his playing was driven by the pleasure of knowing that, after his retirement at 76 years of age from a 50-year tenure with the Boston Symphony, he was still a young man in heart and mind. I miss hearing the daily regimen of his practice.

Edward J. Barwicki



Richard Simon

Musician, teacher, union activist and long standing member of ICSOM Richard Simon passed away from cancer complications on February 14, 2002.

A native New Yorker, he began studying the violin when he was six years old and made his professional debut at Town Hall at the age of twelve. In 1956 he received his Bachelor of Music degree from the Manhattan School of Music.

During his thirty-three years as a member of the New York Philharmonic, Simon played under the directorships of Leonard Bernstein, George Szell, Pierre Boulez, Zubin Mehta and Kurt Masur. Simon also maintained an active chamber music career performing with the Simon Quartet, Weinstock Quartet, New York Piano Trio, Arioso Trio, New York Philharmonic Ensembles and the London Chamber Players. A respected teacher and clinician, Simon frequently participated in music festivals and organized several educational projects. Over the years, Simon developed a considerable expertise about treatment therapies uniting the principles of oriental and western medicine having important implications for musicians.

Many musicians came to know Richard and Fiona Simon in the early 1990s when the IRS decided to challenge the depreciation of their antique violin bows on their 1989 tax return. This case rose to national prominence receiving much attention from the press. [including *Senza Sordino*, December 1996.] A long legal battle ensued, but the couple prevailed, establishing precedents of great importance to all musicians. With a heightened awareness of the essential role the union can play in furthering the causes of working musicians, Simon studied labor issues at the Meany Institute for Labor Studies and Cornell University. He served as a member of the New York Local 802 Executive Board and Coordinating Advisory Committee. He is survived by his wife Fiona and three children Daniel, Naomi and Michael.

*Obituary by Jay Blumenthal
New York City Ballet Orchestra
ICSOM Governing Board Member-at-Large*

Last Man On Earth Without A Solo CD

By Alan Goodman

It's not easy to find somebody who doesn't care to be found. The man halloooed me from the bank of fast-running Strawberry Creek, a mountain stream tucked into the shadow of the Salt River Mountains. His voice was lost in water tumbling wildly over rocks and boulders to a destiny of faucets, toilets, and with any luck, the meandering Salt River in the valley below. Only when my fly rod swiveled in the direction of a restless pool beneath a mossy boulder did I notice the guy standing on the boulder.

"Hey," I shouted. "You're scaring the fish."

"Are you Hal Reedy?" He ignored my signals to move away from the water and made things worse by leaning further over the pizza-sized pool.

"Can't hear a word," I hollered. "Now get your shadow back always so I can tempt a few finicky fish."

He cupped his hand to his ear, gestured with both arms out parallel to the ground and shook his head.

"Get outta' there," I called out. "You're bad news for my fishing."

"You Hal Reedy?" His lips moving gave the only clue to his words.

"Ah, hell with it," I said to the pizza pool. I reeled in the fly line and waded over to where the guy was standing. The roar of wild water receded as I muscled tired legs up the hill. I could hear snapping of dry twigs behind so I knew either the guy was following or I was about to be propositioned by a bear. Either way, I was bummed about missing out on the promise of a fish.

"You Hal Reedy?"

I found a chair-sized rock with an relatively flat top and lowered my assets until comfortable. "Yeah, I'm Reedy. Who are you?"

"THE Hal Reedy?" The guy was strange looking, especially given the circumstance of being about four miles up a mountain stream, a long way from any drivable road. You don't see many individuals running around in slacks, suit jacket and ties in the back woods of Wyoming.

"The,' 'A,' 'That,' 'Old,' 'Big,' 'Son-of-a-bitch' Hal Reedy. Take your choice. I answer to all titles. Equal opportunity name employer, that's me." I gave up any attempt asking who he was a second time. He looked like a feller too focused in on the target to answer questions just yet.

"I mean, are you the Hal Reedy who used to play Principal Bassoon for the Manassas Mauler Municipal Philharmonic? The big-time, world-famous, bassoonist. The only bassoonist on the face of the earth to not have never made a solo CD?"

"What's it to you?" I fit the description, but before I admitted anything I wanted to know who I was dealing with. It had been years since I had last touched a bassoon. Fifty years of scrapping reeds, struggling upstream with the other bassoon salmon to lay musical eggs in the streambed of artistic ambition had been enough. While colleagues evolved legs enough to crawl out of the current, onto

the banks and into recording studios, I hung around the streambed too tired, lazy, and/or uninspired to do anything but throw out a fly line for my smaller brethren, the trout.

"Allow me to introduce myself," he said. A little white card appeared from his suit jacket. "My name is Laste Chance. I've been looking all over for you. You're a very famous man, Mr. Reedy. Very famous."

"That so?"

"Yessir. You are without a doubt a world-renown musical anachronism."

The card read, 'Laste Chance, Vice-President, World Glut Recording Company.'

"I spoke with Jenna Henson the other day," I said. "She told me if I didn't keep my dog out of her chicken coop she was going to shoot the dog first and finish up the job by coming after me."

Laste Chance's face looked slightly pained. It could have been my comment about Jenna Henson's chicken coop, or it could have been the afternoon wind starting to whip down the canyon through that lightweight suit jacket of his. "Who's Jenna Henson?"

"Lady who lives about a half mile from me in the valley below. Loves music. Whistles Willie Nelson tunes all day long. It doesn't sound like Jenna Henson, the music lover, has got much patience for world-renowned bassoonists."

"Yes, well be that as it may, Mr. Reedy, as the only bassoonist in the entire world over the age of twelve to never have made a solo CD album, you have a certain marketable cachet — so to speak. Do you realize that there are — at least as of yesterday when I left our corporate offices in New York City — ten-thousand, five-hundred, and twenty-seven CD's of bassoon solos in the Schwann Catalogue. Just imagine, Mr. Reedy, you are the only bassoonist alive who leaves no record of your artistic integrity. Sir, you are an icon of invisibility."

"Icon." I chewed on the syllables of it. "Nice feel to the word. What's it all mean?"

"It means, Mr. Reedy, that my company is interested in producing a solo bassoon CD by you."

"But, I'm retired. I don't play anymore. My bassoon has befriended a local colony of dust particles it would be inhumane to tear her away from with one swipe of the dust mop."

"Mr. Reedy, we are prepared to offer — in return for the exclusive rights to any CD you make — a large five figure sum. Half would come as an advance."

"Mr. Chance, what music for the bassoon hasn't already been recorded?"

"It's not the music, Mr. Reedy. It's an opportunity to sense the virtuosity, the meaning, the soul, the message of the artist."

"The message?"

"Yes, Mr. Reedy. The world has been deprived of your message. You are the only bassoonist remaining who has not willed his message to posterity. Think of the millions of souls crying out for your message. Yours can be a clarion call to the essence of

(continued on page 6)



meaning.”

“Mr. Chance, how many bassoon messages did you say were calling when you left New York?”

“Ten-thousand, five-hundred and twenty-seven.”

“Any chance of my getting the money without the clarion call?”

“No sir,” Laste Chance said. “Cash for artistic meaning. Half up front. Half after the CD is in the catalogue.”

“Five figures,” I mused. “A tempting sum.”

Laste Chance pulled a pen and a folded document from his jacket. “If you would just sign here, Sir?”

“Do I go on being an icon if I decide to not make a CD?”

Laste Chance withdrew the paper and pen a few inches from where it had advanced to under my chin. “Well, yes. I suppose so.”

“And if I remain an icon, doesn’t my value as the only bassoonist in the world without any tangible proof of offering meaning increase?”

“Yes, Mr. Reedy, but....”

“And if I should die while still an un-CD’d icon won’t that make my worth as an artist of unrecorded essence absolutely priceless?”

“Well, Mr. Reedy, of course death dampens hopes for any future CD’s, but I remind you that....”

I pushed Laste Chance’s pen and contract away and stood up. I reached for my fly rod and looked up at the sky. “Storm coming on, Mr. Chance. I better be getting down the mountain if I’m going to sign that contract of yours.”

He stumbled along trying to catch up. I moved with all the assurance and greed a man of sixty-one could muster after a hard day of fishing. “What’s the rush, Mr. Reedy? You can sign right up here and walk down slowly.”

“Got to get out of the mountains before the storm hits and Jenna Henson locks those chickens of hers up in the coop.”

“What’s that got to do with our contract to make a bassoon CD?” Laste Chance was huffing along. He couldn’t have been over thirty-five. I thought about warning him of the hazards of carrying too much fat, but then I didn’t want to squelch my chance for immortality alongside those other ten-thousand, five-hundred and something-or-other bassoonists.

“Gotta let my dog out so he can get after Jenna Henson’s chickens,” I called over my shoulder and picking up as much speed as my feet could muster. “That way, when she kills my dog and comes after me with that Winchester I’ll be an icon worth millions and millions.”

“But Mr. Reedy. If she shoots you dead how can you sign a contract with us.?”

“Where there’s a will there’s a way, Mr. Laste Chance. All I can count on now is all the millions I never made when alive are too good to pass up dead. Get ready to sign on the dotted line as soon as the feathers fly from the chicken coop.”

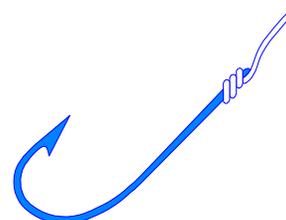
“But, Mr. Reedy....” That boy sure was out of shape. He sounded like a steam locomotive struggling up a steep grade.

“Sure hope Jenna Henson can shoot straight,” I called back over my shoulder. “Even with her lousy eyesight and piss-poor aim she should be able to get a giant icon lined up in her sights, don’t you think, Mr. Chance?”

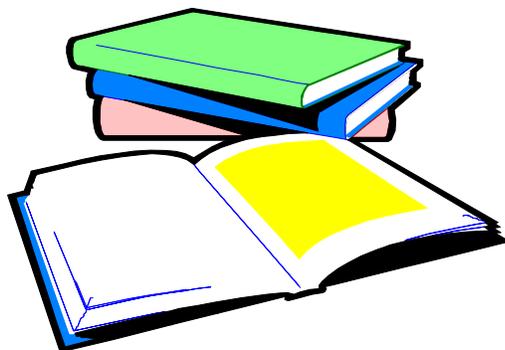
But the s.o.b. didn’t answer. When I turned around, I could see him lying on his side about a hundred feet back. Just like a big-time record executive to flake just before the money has to be dished out. The storm was almost on us. I could see the rain cloud moving up in a big hurry. I was torn between the opportunity to cement my meaning to posterity, or turn back and minister to Mr. Laste Chance.

Well, that was two weeks ago. As of today, I’m still fishing minus a million bucks up in the Salt River Range. Laste Chance lived, but wasn’t enthusiastic about recording a dead icon, which explains why Jenna Henson’s chickens are still alive and pecking happily to Willie Nelson tunes.

And why I’m left wondering if the trout bite is slow because I don’t have a solo CD out or if the bug imitation at the end of my fly line isn’t what they’re into eating at the moment.



Alan Goodman exhausted himself playing bassoon in the Los Angeles Philharmonic and retired to some fishing hole in Wyoming. Rumor has it that he can still be found sucking the arundo donax while playing tenor sax in a cowboy band on Saturday nights.



Author, Author!

Janet Horvath, cellist of the Minnesota Orchestra, announces the publishing of her book, *Playing (less) Hurt: An Injury Prevention Guide for Musicians*, which is available for \$21.00 plus shipping. The book's Table of Contents is reproduced to the right. For more information or to place an order, contact Janet at Playing (less) Hurt, 2400 Hennepin Ave. S., Minneapolis, MN 55405, or visit the website: www.playinglesshurt.com.



I'm pleased to announce the availability of my new critically acclaimed book entitled *Symphonic Paradox: The Misadventures of a Wayward Musician*. It is the unusual true story of my experiences, musical, political and psychological, while a member of the Chicago Symphony Orchestra during its transition from provincial to world class status.

It is a story peopled with colorful characters such as Fritz Reiner, James C. Petrillo, Artur Rubinstein, Sir Georg Solti and many members of the orchestra. This book may at times entertain and/or offend you, but it will never fail to enlighten you about what went on behind the scenes during the years 1954 to the present. This is a must-have account of what it was like to be a musician during a time of monumental change and how it influenced the profession of "symphonic musician" in the United States. The book is available in three formats: as an electronic download from the publisher's website as a .pdf file, a 6x9 paperback, and as a hardcover with dust jacket. For more information, see the publisher's website at:

<http://www.1stbooks.com/bookview/8793>

In addition to ordering the book from the publisher's website, the book is also available from all of the major online booksellers or can be ordered from your favorite retail bookseller as well.

*Sam Denov, Percussion & Timpani
Chicago Symphony Orchestra (retired)
CSOcymbals@aol.com*



Lucinda-Lewis, ICSOM Secretary and New Jersey Symphony hornist, will soon publish her own book, *Broken Embouchures: An Embouchure Handbook and Repair Guide for Brass Players Suffering from Embouchure Problems Caused by Overuse, Injury, Medical or Dental Conditions, or Damaged Mechanics*. Watch for details later.

Playing (less) Hurt: An Injury Prevention Guide for Musicians

CHAPTER I MY STORY

"No pain, no gain"

CHAPTER II YOU ARE NOT ALONE

The prevalence of injuries among instrumental musicians

CHAPTER III WHY IT MAY HURT TO PLAY

A definition of overuse

CHAPTER IV THE CONDUCTOR IS IN THE DRIVER'S SEAT

Risk factors and stressors particular to orchestral life

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CHAPTER V CAUSES OF OVERUSE INJURIES

Injury susceptibility quiz.

10 POTENTIAL CONTRIBUTING FACTORS TO OVERUSE

CHAPTER VI RISK FACTORS AND UNDERSTANDING DANGER SIGNALS

This is your wake-up call.

10 DANGER SIGNALS

CHAPTER VII STATIC LOADING, BACK AND DISC PROBLEMS

A few suggestions for good posture

CHAPTER VIII MUSCLE AND TENDON DISORDERS OF THE ARMS AND SHOULDERS

Muscle tendon disorders, tendinitis of the shoulder, bursitis, impingements, rotator cuff tears, frozen shoulder.

10 ONSTAGE TRICKS THAT CAN BE DONE EVEN WHILE PLAYING

CHAPTER IX NERVE ENTRAPMENTS, AND HAND AND FORE-ARM PAIN

Carpal tunnel syndrome, cubital tunnel syndrome, De Quervain's tenosynovitis, reducing arm tension, thoracic outlet syndrome, Morton's neuroma.

10 PREVENTION TIPS FOR AVOIDANCE OF NERVE ENTRAPMENTS AND OTHER OVERUSE INJURIES

CHAPTER X OTHER CONDITIONS

Raynaud's disease, beta blockers and performance anxiety, ganglion cysts, focal dystonia, fibromyalgia, fibrositis or myofascial pain syndrome, TMJ, eye problems, arthritis

CHAPTER XI TOO MUCH, TOO SOON?

Guidelines for parents and teachers, the teacher-student dynamic, lips, jaws, fingers, teeth, asthma, instrument size, joint laxity, larynx

CHAPTER XII STRETCHING AND STRENGTHENING

10 SHOWER STRETCHES; 10 ONSTAGE STRETCHES

CHAPTER XIII CHAIR PROBLEMS

10 LOWER-BACK TENSION RELIEVERS

CHAPTER XIV LOCATION, LOCATION, LOCATION

Outdoor concerts and other hazards.

10 ESSENTIAL ITEMS: THE MUSICIAN'S SURVIVAL TRAVEL KIT

CHAPTER XV LOUDER AND LOUDER AND LOUDER!

Musicians' hearing loss

CHAPTER XVI THE WORST CASE SCENARIO

What to do when you're hurt

CHAPTER XVII HOW DO I START BACK?

Rehabilitation and work-hardening

CHAPTER XVIII INSTRUMENT MODIFICATIONS

Splints, slings, supports and orthotics

CHAPTER XIX PRACTICE, PRACTICE, PRACTICE

"No brain, no gain" A guide to sensible practicing, warming up and cooling down

10 BACKSTAGE STRETCHES

10 DO'S FOR INJURY PREVENTION

10 DON'TS FOR INJURY PREVENTION

CHAPTER XX EVERYONE IS A LOBBYIST

Views for the future. Work-hardening, rotation, balancing programs, scheduling concerts, onsite trainers

The Senza Sordino Sports Page

Art Meets Sport

The OLYMPICS EXPERIENCE

If I were to characterize the experience in one word it would be COLD. Yes, we were the orchestra that agreed to sit out in shivering 15 degree weather to watch a spectacular show of a lifetime along with five thousand other crazy fans.

There were heaters, which didn't function at all the first night (rehearsal Monday night) and only half of which were working on the dress rehearsal night (Wednesday). By the time of the concert (Friday night) we were sufficiently pumped up to brave the cold, although a lot of us suffered with sore throats and coughs throughout the week.

It was definitely a trade off. We made extra money, and practically sold our souls to be front and center of the world for a few brief hours. This was obviously not something that fell under our normal contract.

The most exciting moment for many of us was watching the athletes come out the night of the opening ceremonies. Those who had trained and struggled to make it to the top of their professions representing the top of their countries. We yelled and screamed as loud as anybody. There was a funny moment when the Italian team passed by us and then on by the Mormon Tabernacle choir seated behind us. One of the teams' players practically lunged into the lap of an unsuspecting female choir member, gave her a big kiss and had his teammate and co-conspirator take a photo of the whole thing in a span of about three seconds. The chorister was more amused and surprised than anything. (I think she thought he was rather good looking). The Italians also threw us pins as they went by.

The motorcades, the torch parades, the security measures, the excitement was like nothing I have ever experienced. Not that I would jump at the opportunity again soon. We are tired after almost a month and a half of nonstop activity. The crowds have dwindled and Salt Lake has almost returned to its quiet and relatively calm pace. It was thrilling having the world here, but I look forward to a calmer spring and summer.

*Lynn Maxine Rosen
Utah Symphony violinist and
ICSOM Delegate*

When the athletes were seated, along with one librarian who surreptitiously slipped in with the Kazakhstan, four American Indian

tribes indigenous to Utah welcomed them in their native tongues. A spectacular program unfolded with everything from the Dixie Chicks to Yo-Yo Ma and Sting. When Yo-Yo and Sting left the center of the ice rink they were blowing kisses to the orchestra and choir—their recognition of a different brand of athlete. The skating, the singing, the playing, all came off beautifully.

My cheeks were bright red from sitting in the subfreezing cold for two and a half hours taking in all this joyous ceremony. A light snow had fallen from time to time but not enough to hamper anything. It just made everything more beautiful. Thousands of lights would make waves in the stadium from time to time and the Blackhawk helicopters didn't intrude even though their presence was always there. As the athletes left the stadium filing past the orchestra, I called out good luck and good-bye in as many languages as I could muster. "Au revoir, viel gluck, bon chance, powodzenia, bonna fortuna, Tschub." I don't know if all the words were right, but we were all smiles, clapping hands in love and friendship.

Pat Zwick, Utah Symphony Librarian



BOSTON POPS Scores at Super Bowl

The Boston Pops Orchestra suited up and burst out onto the field ... or was that the Boston Patriots? Actually, it was both—the Patriots played – and won – the football game in Super Bowl XXXVI, but the Boston Pops stole the show.

Despite tight scheduling back in Boston, the musicians of the Boston Pops made their way by February 3, 2002 to the Superdome in New Orleans and played both the pregame show and at halftime. With Copland's *Lincoln Portrait* and other works, they brought a patriotic spirit to nearly a billion people in the stadium and watching on TV.

Pops Conductor Keith Lockhart said, "We weren't just part of the wallpaper; the Boston Pops was an integral part of America's greatest sporting event, and we were proud to represent the great tradition of symphonic music in this country."



Utah Symphony violinists Becky Johnson, Teresa Hicks (behind the bow), Veronica Kulig, and Lynn Maxine Rosen (ICSOM delegate)

Due to the acoustical complications of performing in large sports arenas, both the Super Bowl and the Olympics performances were prerecorded for broadcast. – Ed.

Newslets

The Kansas City Symphony recently voted overwhelmingly in favor of joining the AFM Strike Fund.



If you would like to find out how your symphony board members' salaries have skyrocketed while they have been demanding cuts and freezes from you, visit this new AFL-CIO webpage, www.paywatch.org. One interesting morsel you will find there is that since 1980, the average pay of regular working people increased just 74 percent, while CEO pay grew a whopping 1,884 percent.



The Business Committee for the Arts reports from their 2001 National Survey that **business contributions to the arts** reached a record \$1.56 billion in 2000, compared to \$1.16 billion in 1997, an increase of 24%. In 2000, the arts received 14% of total philanthropic contributions made by business. (<http://www.bcainc.org>)



Ken Sipser, brother of the late **ICSOM Counsel Emeritus I. Philip Sipser**, is compiling a collection of news clippings, articles, letters, pictures, etc. to document the life and work of Phil Sipser. If you have anything that you would like to contribute to this collection, please contact Ken at krsipx@aol.com or send to Ken Sipser, PO Box 1635, West Dover, VT 05356. Ken has offered ICSOM a digital copy of the completed collection.

About a month ago there was a Dedication Ceremony for the Memorial which was erected in Phil's honor in the Mount Hebron Cemetery in Queens, NY.



Union-made computers, assembled in the USA by Van Elgort Information Systems, are available at www.unionmadecomputers.com



Shreveport Symphony season in doubt

The Shreveport Symphony Orchestra's master agreement requires our employer to send out letters of renewal or non-renewal by March 15th of each year. This year, all the contracted players of the orchestra received a letter from our Board President stating, "...this letter is to inform you that the Shreveport Symphony Orchestra, Inc., will not renew the services of any musicians or renew the Master Collective Bargaining Agreement as it is presently constituted."

This is, of course, only the first round in what will be difficult negotiations. The letter also gives what is essentially the first offer in these negotiations, stating that they need to cut the budget to between \$900,000 and \$1,100,000 for next season.

The letter also includes the statement, "With my direction, a Committee of the Board has been appointed to explore with your representatives whether we can negotiate a new contract that would allow the Symphony to continue."

Andy Brandt
Shreveport Symphony bassoonist, former ROPA President

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