

Senza Sordino

Official Publication of the International Conference of Symphony and Opera Musicians

VOLUME 43 NO. 2

Online Edition

June 2005

High Noon at the Not-So-OK Corral

by Chris Woehr

The following tale is a dramatization of recent life in a certain midwestern orchestra. Names have been changed to protect the innocent from lawsuits. Barely.

March 1, 2005. Dawn in the dusty town of St. Louee Gulch. As the sun rises slowly over a wasted musical community, bits of light glance off rusted hopes, dented dreams, shattered illusions. A lonely bird, pipin' fragments of a once great melody, mourns quietly over broken bodies scattered 'bout the silent streets, carnage from one of the more bitterly fought battles in recent musical labor history.

The inhabitants awake dazed 'n battered, preparin' to head back to work for the first time in two long months. The joy of music makin' which made their workplace so special for so many years, now seems as far away as the burnin' orb pitilessly illuminatin' the wreckage of their once bustlin' orchestra. Most stumble out, wonderin' what the hell has happened, and why?

For many, the sadness is swept away by seethin' waves of anger. How did the despicable Rattams Gang git control of their unsuspectin' town? What's the Gang's long range plan? Will there be anyone left musically alive? Finally and most importantly, how can we get rid of these sons of —es?

This whole sorry midwestern tale probably had its roots some 10 years earlier. The orchestra was pretty much saddled up 'n ridin', with tours, recordings, many different concert series, a purty full compliment a' players, cattle drives to Carnegie Hall, and the general spirit that what any other orchestra could do, St. Louis could do, maybe even a little better. It

was quick on the draw, if a little wild in the aim, and it was seen as a time of growth and prosperity. There were minor grumblings 'bout a deficit, but the financial mule of the Symphony seemed to shamble along from year to year without too much snortin'.

As the saloon doors of staff did their inevitable swing, a new outfit of administrative, marketing, and financial hands began cleanin' out the stables of their predecessors. The Fiscal Experts suddenly started shoutin': "Stampede! Help! The Endowment's runnin' away! Stop it! Ever'body, stop what you're doin' and help, for gosh sakes!"

And so everyone did. The contract was hauled out and skinned, the staff herd was cut in half, the orchestra was cut down, the season and the pay were put on starvation rations. In the general atmosphere of panic and emergency, a spirit of mutual interest prevailed in trying to pull the orchestra ranch through this crisis. A solemn promise by the sheriff, to bring the orchestra back to full acreage once the endowment was back in the saddle, kept the orchestra's hopes up through the tough times. The orchestra continued to git smaller as people hung up their spurs or jumped to different outfits. But it was bidin' its time, with its spirit and idealism largely intact.

This was only a few months after that fateful day in December of 2000 when Dandy Aylor stepped up onto the stage with a \$40 million bag of gold, announcin' it was the Symphony's if'n it could match it. You could hardly hear yerself pizzicato with the hullabaloo that erupted. "Gold! Gold! I've discovered gold!" Everyone ran around plum loco 'n starry eyed, staggerin' from one press conference ta the next. So now, finally, with imminent financial doom staring them in the face, did everyone get down to work raising a serious endowment. There were just a couple a' lil' hitches. The annual operatin' budget and the season were cut by about 25%, and a banker guy who was brought in as a financial sheriff, Andy Rattams, took over the whole joint. A few orchestra hands wondered why nobody ever went to jail for the accountin' hanky panky. But whoever they were, they were long gone into the sunset. So everyone just tightened their belts 'n got down to work.

As it turned out, Sheriff Rattams had a real different management style than the other hombres who'd passed through. What he said went. A spirit of mutual cooperation and interest meant you did what he said. Period. Might as well shoot yerself in the haid as try 'n convince Rattams to change his plan. He began pourin' ever' last cent down that deep endowment well, and the big Aylor grant was matched six whole months early. A bunch

In This Issue

High Noon.....	1
Officer Reports	2
"Victory" in St. Louis	4
ICSOM on the Road	5
Lew Waldeck Fund	6
ICSOM Media Committee	7
Touring and Residencies	9
On National Media Agreements	10
Solidarity Concert in St. Louis	14
Nominating Committee Notice.....	16

(continued on page 8—see CORRAL)

Chairperson's Report

Jan Gippo



We are living in a time of great change for our profession. We have fought hard throughout the years to be heard and respected as true stakeholders in the institutions we are affiliated with. My hope is that the initiatives listed below are substantive steps toward a shared vision of all the parties, based on mutual respect of all the constituencies—and that the entire process will see those constituencies speak with equal voices that are truly given equal input.

In February, AFM President Tom Lee hosted a meeting in Chicago to discuss the future of media for AFM orchestras. It was a very productive and successful meeting. It led to the immediate request by the Federation to the Major Managers Media Committee for discussions and negotiations for a new “agreement of some sort” that will help promote both symphony musicians and their institutions for that shared benefit we are all seeking. The discussions that followed were exceptionally cordial and good-humored. They were also quite productive in stating the positions of both parties and looking for common ground of agreement. These discussions will continue in June, and we hope they will lead to a tentative agreement for your consideration.

Four years ago, the ICSOM Conference passed a resolution directing the ICSOM chairperson to work toward having AFM and player conference representation included in the Mellon Orchestra Forum. Recently, invitations from the Forum were presented to the AFM, the American Symphony Orchestra League (ASOL), and ICSOM for the meeting held in Minneapolis May 1–3. We were all there, and it was a major success. The inclusion of the union was a stunning eye-opener for most of the participants. SSD Director Laura Brownell was the union representative. She gave a positive face to the Federation with great insight into the problems and roadblocks that are still so prevalent in our industry. We have been asked to be a permanent part of the ongoing Forum, and we can now report on the process firsthand. Laura will speak to the Conference in August, and we will keep you updated on all the projects we are working on.

During the evening breakout session, Gloria de Pasquale of the Philadelphia Orchestra posed the question of the evening: What are the obstacles between the AFM, ICSOM, and the League; and how can we overcome them and work together to promote the betterment of orchestras? A spirited three-hour interchange was capped with the agreement that we all share the same destiny and must find ways of cooperation. This topic will be central to us as we continue to participate in the Mellon process.

The latest initiative comes from the president of ASOL, Henry Fogel. Henry has always been concerned that the League's Orchestra Statistical Reports (OSRs) have been incomplete and have suffered from inconsistencies in the way the data was gathered and reported. He has convened a task force to establish unified categories and unified methods of data reporting for the OSRs. He has asked ICSOM to be a part of this process from the ground up. We will participate in every aspect of this work, and soon we will have an industry-wide look at financial and audience reports that we can compare with all other reports, comparing apples to apples, so to speak. This initiative is a breakthrough at all levels. Everyone will have had input, everyone will report, and all information will be available to everyone. It is the first in what I hope

(continued on page 12—see CHAIRPERSON'S REPORT)

International Conference of Symphony & Opera Musicians (ICSOM)

A Conference of the American Federation of Musicians, AFL-CIO

ICSOM Governing Board

Chairperson
Jan Gippo
St. Louis Symphony
1620 Horseshoe Ridge Road
Chesterfield MO 63005
(636) 537-5374 (Voice/FAX)
janguippo@earthlink.net

President
Brian Rood
Kansas City Symphony
9919 Rosewood Lane
Overland Park KS 66207
(913) 649-9919, cell (913) 706-4164
brianrood@sbcglobal.net

Secretary
Laura Ross
Nashville Symphony
1609 Tammam Drive
Nashville TN 37206
(615) 227-2379
FAX (615) 259-9140
lar2vln@comcast.net

Treasurer
Michael Moore
Atlanta Symphony
953 Rosedale Road NE
Atlanta GA 30306
(404) 875-TUBA (Voice/FAX)
treasurer@atlantabrass.com

Editor, Senza Sordino
Richard Levine
San Diego Symphony
6304 Radio Drive
San Diego CA 92114
(619) 263-2545
senza@richlevine.com

MEMBERS AT LARGE

Steve Lester
Chicago Symphony
1334 S. Indiana Parkway
Chicago IL 60605
(414) 899-4603
swlester6@aol.com

Henry Peyrebrune
Cleveland Orchestra
2617 Dartmoor Road
Cleveland Heights OH 44118
(216) 321-9680
hpeyrebrune@earthlink.net

Bruce Ridge
North Carolina Symphony
505 West Aycock Street
Raleigh NC 27608
(919) 833-8720
bruceridge@earthlink.net

Lynn Rosen
Utah Symphony
632 East 16th Avenue
Salt Lake City UT 84103
(810) 4848-4054
lrosen@musicbox.aros.net

ICSOM Counsel
Leonard Leibowitz
322 West 48th Street
New York NY 10036
(212) 765-4300 / FAX 765-2775
LLlaborlaw@aol.com

Webmaster/Senza Sordino Production Manager: Robert Levine (rtl@icsom.org)

Subscriptions: \$10 per year, payable to *Senza Sordino*
c/o Michael Moore, 953 Rosedale Road NE, Atlanta GA 30306

ICSOM Orchestras

Alabama Symphony Orchestra
Atlanta Symphony Orchestra
Baltimore Symphony Orchestra
Boston Symphony Orchestra
Buffalo Philharmonic Orchestra
Charlotte Symphony Orchestra
Chicago Lyric Opera Orchestra
Chicago Symphony Orchestra
Cincinnati Symphony Orchestra
Cleveland Orchestra
Colorado Symphony Orchestra
Columbus Symphony Orchestra
Dallas Symphony Orchestra
Detroit Symphony Orchestra
Florida Orchestra
Florida Philharmonic Orchestra
Fort Worth Symphony Orchestra
Grant Park Symphony Orchestra
Honolulu Symphony Orchestra
Houston Symphony Orchestra
Indianapolis Symphony Orchestra
Jacksonville Symphony Orchestra
Kansas City Symphony
Kennedy Center Opera House Orchestra
Los Angeles Philharmonic
Louisville Orchestra
Metropolitan Opera Orchestra
Milwaukee Symphony Orchestra
Minnesota Orchestra
Nashville Symphony 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
Puerto Rico 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
Virginia Symphony



www.icsom.org

Senza Sordino is the official publication of the International Conference of Symphony and Opera Musicians, Inc., and is published four to six times a year. ICSOM is 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 © 2005.

President's Report

Brian Rood



The President's column typically covers aspects of recent orchestra negotiations. While many were rightfully concerned with negotiations last fall, few were prepared for what unfolded in St. Louis. I would like to offer some thoughts on one effect of the St. Louis melee.

On March 13 I had the distinct pleasure to join more than thirty musicians from ten ICSOM orchestras who traveled to perform

with our SLSO colleagues in order to thank the St. Louis community for its support. Everyone I spoke with that day remarked how this was a concert for the ages and a definite career highlight. The enthusiasm and emotion demonstrated by musicians and audience alike was nothing short of electrifying. *ArtsJournal's* Drew McManus wrote three excellent columns about this unique performance. They can be found online at: www.artsjournal.com/adaptistration/archives20050301.shtml.

The extraordinary events of March 13 serve as resounding reminders of the collective power musicians have when they stand together. National and local press focused on how significant it was that so many orchestras felt it was crucial to support their fellow SLSO colleagues. This act of solidarity is a prime example of why ICSOM is needed today just as forty years ago.

Imagine for a moment the power and influence possible if our managements, boards, and communities come to expect this type of solidarity when such collective action from ICSOM is warranted! We have the means, if our collective energies are skillfully harnessed, to cause managers and boards to think twice before rolling back wages, working conditions, and, most importantly, the artistic integrity of our orchestras.

Sphinx Organization

Violist Jennifer Arnold will join the Oregon Symphony Orchestra, becoming the first Sphinx alumna to hold a full-time position with a major US orchestra. Jennifer was a semi-finalist in the 2001 and 2003 Sphinx Competitions. As a Sphinx alumna, Jennifer performed with the Sphinx Symphony as well as with the Sphinx Chamber Orchestra at Carnegie Hall. She is a graduate of the Cleveland Institute of Music.

For further information regarding the Sphinx Organization, go online to www.sphinxmusic.org or write the Sphinx Organization at 400 Renaissance Center, Suite 2120, Detroit MI, 48243.

The Sphinx Organization and the annual Sphinx Competition, for which ICSOM provides support, are about encouraging, developing and recognizing classical musical talent in the black and the Latino communities and among all youths. Recent initiatives include a preparatory music institute with Wayne State University (home of the ICSOM Conductor Evaluation Program) as well as a commission by Dr. Adolphus Hailstork.

(continued on page 12—see PRESIDENT'S REPORT)

Secretary's Report

Laura Ross



Initially, I had not planned to write a column, but after receiving a call from our good friend Richard Totusek, I wanted to share our brief conversation. Brother Totusek has been ill for quite a while and just recently underwent a successful liver transplant. He asked that I share with you that he is on the mend, and he thanks you all for your cards and best wishes. I, too, extend my best wishes to Richard on a very speedy recovery. I hope to see him this summer at the AFM Convention and the ICSOM Conference. We're all desperate for your parliamentary wisdom, Sir. Get well soon!

I'd like to call your attention to a number of articles in this issue of *Senza Sordino* (partially because I had a hand in writing them!). The ICSOM Electronic Media Committee (EMC) continues to work very hard trying to reach consensus on issues that concern all our orchestras. Of primary concern right now are the ongoing negotiations regarding self-produced recordings. At the same time, syndicated radio, the already-expired Internet agreement, the soon-to-be-expired Symphony, Opera, and Ballet Audio-Visual (SOBAV) agreement, and the upcoming Sound Recording Labor Agreement (SRLA) negotiations are on our radar as well. Please, if you have comments or ideas, I encourage you to contact members of the EMC. We are your voice in these negotiations and everyone should be heard.

The establishment of the Lew Waldeck Fund is an important step in helping all the player conferences find ways to education their members and encourage orchestra advocacy and union activism. Please consider contributing to this fund as an orchestra or as an individual. We hope the fund will be able to provide many opportunities for personal and institutional education to carry on Lew's legacy in the future.

The message from the ICSOM Governing Board regarding tours and residencies is timely, especially in areas like South Florida where imported orchestras coming to the area might divert interest and financial support and thus hinder the formation of a new orchestra. Touring ICSOM orchestras have a long history of supporting fellow orchestras facing labor strife. In good times and in bad, we need to be proactive in doing what we can to support our brothers and sisters in their cities when we come as visitors.

Finally, the conference mailing is already in the hands of the delegates, and I extend my thanks to the San Diego Symphony for offering to host the Conference once again. Bruce Ridge has written a great article about a change to ICSOM bylaws that encourages Conference sites to be selected years in advance. I, too, would encourage your orchestra to consider hosting the Conference in the next few years. I became involved with ROPA years ago when our orchestra hosted the ROPA Conference. It was one of the most rewarding experiences I ever participated in. If your orchestra does wish to host the Conference in the future, two orchestras

(continued on page 12—see SECRETARY'S REPORT)

“Victory” in St. Louis **Leonard Leibowitz**

In the March 5, 2005 issue of the *St. Louis Post-Dispatch*, music critic Sarah Bryan Miller writes, “Nobody won the St. Louis Symphony Orchestra Strike.”

She is wrong on two counts. First, it was not a strike, it was a lockout. More importantly, it’s not accurate to say that nobody won. Randy Adams won hands down.

Mr. Adams has been enormously successful in raising over \$130 million in a little over three years. According to him, he was able to do that, in large measure, by promising the “big donors” that all of their money would go into endowment, and that the musicians would get none of it; except, of course, as part of the annual draw of 5% percent which most orchestras take from the endowment. Had he asked those donors for even a small percentage of those monies to be available to restore, or start to restore, the salaries and benefits that the musicians gave up in 2002, there would have been no lockout, no work stoppage, no shattered morale.

Mr. Adams was even more successful than just keeping his promise to the “big donors” for this round of bargaining. The proposal ultimately shoved down the musicians throats keeps them at the current substandard level for another three years—thereby assuring that they will fall so far behind their peer orchestras that it will be virtually impossible to catch up.

Nevertheless, in the final year of the new agreement the musicians sought a base wage of at least \$80,000 per year. That figure is still \$20,000–\$30,000 less than the scale wages of the peer orchestras but would have at least put them in a position to start the road back to parity. Mr. Adams ultimately offered a salary of \$76,000 and a “stay bonus” of \$4,000 in the last year of this contract (2007–08). Well, you say, isn’t that \$80,000? No, it’s not. It means that the starting point for the next round of bargaining is \$76,000, not \$80,000. And, \$80,000 in 2007-08 without the bonus would cost the SLSO exactly the same as \$76,000 + \$4,000! Thus, what Mr. Adams also wanted to accomplish is that it will likely be one or two years thereafter before the salary will actually reach \$80,000 with no bonus.

But there’s even more success for Mr. Adams. Included in this desultory contract is a freeze on pension contributions, a requirement that musicians pay a higher deductible for their health insurance, and, for the first time, they must contribute to the cost of any increase in their health insurance premiums which exceeds 5% percent up to a cap of twelve of 12%!

Quite a coup for Mr. Adams! Quite a loss for the musicians. But what about the loss for St. Louis? As Ms. Miller wrote recently in connection with a similar tragedy in Houston, will the best players seek employment elsewhere? Will talented musicians from other orchestras, or right out of conservatory, choose St. Louis over cities like Minneapolis, Pittsburgh, Cincinnati, Detroit, or Washington D.C., all of which are of comparable artistic quality but pay an annual salary of approximately \$100,000? And what kind of orchestra will be waiting for the exciting new music director, David Robertson? The worst part of Mr. Adams’s “victory” is that this orchestra didn’t deserve it. Despite the many hardships they have endured, St. Louis musicians have continued to grace the stage of Powell Hall with a special dignity and incredible talent.

Congratulations, Mr. Adams.

Treasurer’s Report **Michael Moore**

It’s finally the time of year when all the dues from ICSOM orchestras have been paid and accounted for. Dues collected for 2004–05 totaled \$168,740. These funds must last ICSOM until late fall, when dues start coming in again.



Invoices will be distributed to all delegates in San Diego at the Conference. Delegates should then pass these on to their orchestra treasurers and/or local for payment processing.

Next season in particular, we ask that dues be paid as early as possible, Extraordinary expenses such as a second directory in 2005 will occur before the end of the year, with the potential to put ICSOM in a negative cash position. If ICSOM runs critically short of funds, we will have to borrow from the Emergency Relief Fund, thus lowering the amount available to orchestras in need and costing us interest. Please help us avoid this scenario by joining with the orchestras that submit ICSOM dues as early as October.

ICSOM Investment Accounts

A word about our investment accounts with A.G. Edwards (AGE): the AGE General Fund, with a May 1 balance of \$47,568, is a money market account where we temporarily park excess funds. The 12-month estimated income is \$1,046.

The AGE Mendolson Fund is used to help fund our \$4,500 participation in the Sphinx program. \$4,226 came from the one dollar per capita portion of dues. Allocation is 80% bonds and 20% money market. The balance is \$30,775, with an estimated 12-month income of \$690.

The AGE Emergency Relief Fund has a balance of \$208,683. Allocation is currently 79% bonds/CDs and 21% money market. The 12-month estimated income is \$5,581. The value and allocation percentages of this fund vary somewhat due to the fluctuating market value of its bonds. (Two dollars per capita, or \$8,452, will be transferred from the AGE General Fund to the ERF by the time this issue goes to press.)

The four accounts at SouthTrust Bank (soon to be Wachovia) pay inconsequential interest. They are our working accounts and their balances as of May 1 are:

General Account:	\$76,239
Chairman’s Account:	\$3,306
Secretary’s Account:	\$2,269
<i>Senza Sordino</i> Account:	\$6,771

In the next issue: “Where does your money go?”

ICSOM on the Road

by Bruce Ridge

In a short piece in the January 2000 issue of *Senza Sordino* called “The ICSOM Imprint,” our esteemed former *Senza Sordino* editor, Marsha Schweitzer, related a moment that she and I shared while I was in Honolulu, substituting for a week or two with the orchestra there. We caught each other’s eye at an occurrence of a minor violation of a standard union rule, a rule of intermission timing. Of that moment, Marsha wrote, “It reflected a commonality of understanding that instantly bridged the gap between [our two orchestras]. It reflected a mutual work experience in which ICSOM has played a major role for both of us, . . . deeply, . . . over a period of years. Our [respective] union educations and indoctrinations converged and became manifest on the stage at that moment. . . . Two orchestras, even though 5,000 miles apart, play by the same rules . . . regarding the enforcement of contractual working conditions. The mark of ICSOM and unionism is deeply stamped across the entire continent, and beyond.”

I believe that the relevance of ICSOM and the history of the Conference are more important now than ever. Musicians too often take for granted benefits that were won by very hard work and great sacrifice by those who went before us. We must never forget those sacrifices, and we must work to communicate the accomplishments of the organization and to educate the young musicians who join us of the important, even crucial role that ICSOM plays in their lives.

Now is the time to reinvigorate ICSOM and to move forward as a powerful advocacy group, not only for the benefit of musicians and their contracts but also for symphonic music in this country and beyond. The time is right for a rededication to our cause, and a crucial moment has arrived for us to reach out to our constituency, to ask them to serve, and to help our orchestras understand the need that is before us now.

ICSOM has many ways of reaching the industry. *Senza Sordino*, the ICSOM website, Orchestra-L, Delegate-L and many other outlets allow us to communicate instantly among orchestras to share information for the benefit of all of us. This shared information helps in negotiations as well as in the day-to-day problems that arrive at our doorsteps—problems both big and small. Solutions are found in our unity.

Our most powerful tool for this communication is the meeting we hold each August, the ICSOM Conference itself. For many years, I have been an advocate for “hosted” Conferences, where we hold our meeting in a city that serves as the home for an ICSOM orchestra. It has been wonderful over these past few years to travel to Louisville, Salt Lake City, and San Diego, among other places. Hosted Conferences allow us to bring ICSOM directly to our constituencies. ICSOM’s presence in your city can effect positive press for both the orchestra and the union, as well as allowing the host orchestra’s musicians to attend and participate in meetings so they can see for themselves the importance of our democracy in action. ICSOM has tried to encourage additional musician participation in the annual Conference, and hosting the Conference offers a unique opportunity for host-orchestra musicians. In some cases, it has motivated musicians to become active within their orchestras, by serving on orchestra commit-

tees and negotiating teams, and by serving other vital roles within their orchestras. The chance to meet musicians from other orchestras has also encouraged musicians to become more active in their locals and in ICSOM.

It is true, however, that moving the Conference every year creates certain logistical problems. I feel strongly, as do others, that the benefits far outweigh any difficulties. These logistical problems could be more easily solved if we were able to choose the Conference sites in advance. Since most orchestras do not come prepared to make a presentation at the Conference, even with advance notice, the Governing Board must wait until October, which can cause major problems when many hotels receive bookings over a year in advance for conferences. Last summer, ICSOM bylaws were changed to encourage site selection years in advance.

The Governing Board would like you all to consider hosting an ICSOM Conference in the next few years. Talk with your orchestra’s leadership and with your local officers. Ask them if they would see the benefit of having the ICSOM delegates come to your city, meet in your town, visit your hall, and communicate directly with your musicians (along with the attendant press that can be generated). A hosting orchestra’s main responsibilities are identifying hotels, supplying a Conference coordinator, lending office assistance during the Conference, and hosting a mixer the first evening of the Conference. An outline of all the requirements is sent to delegates every year and is also posted on the ICSOM website.

ICSOM will only be strengthened by the increased participation of our constituency. The organization can improve its service to its member orchestras only by better understanding the problems that face our orchestras individually. We need to study the successes that many have achieved as well. What better way to strengthen ICSOM’s ties to our member orchestras than by visiting their cities and meeting their musicians?

Please consider coming to this year’s Conference in San Diego with a bid from your city to host a future ICSOM Conference. If you have any questions, please contact ICSOM Secretary Laura Ross and/or ICSOM Treasurer Michael Moore, who are also very involved in Conference planning and logistics each year. It would be very beneficial to ICSOM if we could select our Conference sites several years in advance. Let us continue to allow the ICSOM Conference to be a traveling testament to what we have accomplished, and to what we can become.

Bruce Ridge is an ICSOM Governing Board Member-at-Large and chair of the North Carolina Symphony Players’ Association.

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.

The Lew Waldeck Fund

by Laura Ross

Lew Waldeck, former ICSOM delegate for the New York City Opera and the first director of the AFM Symphonic Services Division, died in January 2004 and left as his legacy an orchestral industry that has grown by leaps and bounds under his tutelage. During the 2001 AFM Convention, a resolution was passed in recognition of his incredible impact on the orchestral world in the US and Canada, and Lew Waldeck was named Director Emeritus of the AFM Symphonic Services Division.

In the early 1980s, at the behest of ICSOM, Lew was selected to run the newly formed Symphonic Services Department. In his 12 years as SSD director from 1982 to 1994, Lew trained several generations of symphony orchestra advocates and activists. He traveled across the country with his celebrated "Dog and Pony" show that empowered musicians as they prepared for negotiations. Lew served as chief spokesman and negotiator in numerous negotiations and was constantly available to provide advice and support for solving problems, both internal and external, as well as to give insight into the ins and outs of contract administration. His presentations at the player conferences were a highlight each year as delegates were asked to challenge themselves with various scenarios and role-playing exercises.

Lew was an advocate of union networking and assisted many orchestras in their quest to expand their influence in their communities. He taught musicians what the union could and should do for its members and empowered musicians to use their intellect, unique understanding of our industry, and collective strength to improve our lives and workplaces. Lew spoke about the importance of public-school music education long before it became a trend. He challenged us to find new ideas to further our orchestras' profiles in our communities. The list is too long to reflect on all the important things Lew brought to the table.

While some of our ICSOM members were lucky enough to have known Lew Waldeck in some capacity, many more of our colleagues were not first-hand beneficiaries of his unique gifts. In order to keep Lew Waldeck's legacy, work, and wisdom alive, the delegates of the 2004 ICSOM, OCSM, and ROPA conferences passed resolutions that would explore the establishment of an ongoing tribute to Lew Waldeck.

ICSOM, OCSM, ROPA, and the Musicians' Association of Hawaii, Local 677 AFM are pleased to announce the creation of the Lew Waldeck Fund. The Fund's mission statement is: "The mission of the Lew Waldeck Fund is to perpetuate his legacy by inspiring, inciting and funding progressive union activities and projects within the symphonic and labor communities."

As funding allows, the Lew Waldeck Fund seeks to engage in a number of projects, including:

1. The restoration, enhancement, and duplication of various archived union-related educational audio and video material of Lew Waldeck, for distribution to local unions and orchestras.
2. In cooperation with locals and orchestras in the U.S. and Canada, the filming and the production of a comprehensive video library of historical orchestra growth and struggle sagas, as told by the local

labor activists and pioneers. This video material will then be the basis for the production of an internal organizing video, an education video for conservatory students, and other historical and educational documentaries, as needed.

3. Identifying blossoming activists or leaders within symphony orchestras and sending them to leadership/union training at the Meany Center, Labor Notes, or other worthwhile training facilities.
4. Assisting with meaningful internal organizing projects within orchestras and locals, such as presenting guest speakers or labor education specialists.
5. Assisting orchestras involved in public-relations projects (perhaps a newspaper advertisement or video, etc.).
6. Training orchestras in developing lobbying/political skills.
7. Projects to educate our incoming symphonic members (either upon their securing symphony positions or at the conservatory level) about our orchestra labor history, labor in general, etc.

One of the first projects the committee has undertaken is to honor Lew Waldeck with a plaque at the Michigan Labor Legacy Monument, a beautiful site in downtown Detroit that celebrates labor and its leaders.

The Lew Waldeck Fund is seeking donations from all who would support these worthwhile efforts. The Fund has been set up with the assistance of the Musicians Association of Hawaii, Local 677 AFM as a designated fund of Live Music Awareness, a 501(c)(3) nonprofit organization that supports musician-run projects. A board of advisors from ICSOM, OCSM, and ROPA will approve expenditures from the Fund. Contributions to the Fund are tax deductible to the extent allowed by law. The Lew Waldeck Fund will be funded by contributions from organizations and individuals who believe in the work that Lew did and want to see it continued.

Individuals who donate a minimum of \$100 and organizations that donate a minimum of \$500 by December 31, 2005, will be considered charter members of the Fund. Those interested in contributing may do so by making checks payable to Live Music Awareness (designate it to the Lew Waldeck Fund in the note area of your check). Contributions may be mailed to:

Live Music Awareness
949 Kapiolani Blvd.
Honolulu HI 96814

At some point in the near future, contributions will be accepted online at www.livemusicawareness.com/lewwaldeckfund.htm. Please visit the website for further information on the life and work of Lew Waldeck, as well as information about the Lew Waldeck Fund.

On behalf of symphony musicians, local unions, and union members everywhere, please join us in this effort to create and maintain the Lew Waldeck Fund.

ICSOM's Electronic Media Committee and the AFM Electronic Media Summit

by William Foster and Laura Ross

With the recording industry changing as it has over the years, we have witnessed too many orchestras lose recording contracts and syndicated radio deals. Some musicians now believe we must find new ways to allow our orchestras to market themselves through broadcasts and recordings. Some believe we must reassess the funding models for recording projects. Some fear that changes benefiting one area of the recording industry might damage other areas that have worked well for them and their orchestras.

Two years ago, as an outgrowth of discussions about such issues, questionnaires were distributed to solicit opinions about the various recording agreements and their terms, including revenue and distribution options. Needless to say, we found that orchestras had differing opinions about these issues—to the point that there was even disagreement over whether media agreements should be local or national. The ICSOM Electronic Media Committee (EMC) has met regularly to discuss these issues and to explore the positions and needs of diverse orchestras—those that are recording and those that are not now recording but would like to.

Recently, however, with local media agreements being made—either in collective bargaining agreements, as was done in Cleveland and Philadelphia, or in a side agreement as in New York—and various orchestra managers exerting pressure on their orchestras to do the same, the EMC came to the conclusion that we must reach consensus and solutions soon. Further, the EMC now believes that a national agreement covering self-produced recordings will best serve our orchestras. (“Self-produced” is a term used to describe live-concert or location recording projects where the orchestra management, rather than a commercial recording company, retains ownership and rights to the product. Those rights may be licensed to third parties for a limited period, but the orchestra management would ultimately retain all rights.)

ICSOM's EMC membership reflects a broad spectrum of the symphonic recording industry. Currently, the EMC includes musicians from Chicago, Cincinnati, Cleveland, Kansas City, Nashville, National, New York, Philadelphia, Saint Louis, and San Francisco. However, as members of the EMC, we do not represent our individual orchestras. We all strive to take input from around the country, discuss the issues among ourselves and with other orchestras' leadership, and find solutions that will work for the industry as a whole, trying our best to balance the special needs of orchestras of varying sizes and recording histories.

With all the ideas, pressures, and questions on media brewing, AFM President Thomas F. Lee called a media summit in Chicago on February 21, 2005. The summit was well attended, with 44 musicians representing 36 ICSOM orchestras, 12 musicians from 11 ROPA orchestras, and 31 officers from 24 locals among the participants. Speakers included AFM President Tom Lee, ICSOM Chairperson Jan Gippo, ROPA President Barbara Zmich, OCSM President Francine Schutzman, RMA President Phil Ayling, AFM General Counsels George Cohen and Patricia Polach, SSD Director Laura

Brownell, SSD Director of Symphonic Electronic Media Debbie Newmark, as well as the heads of the ICSOM and ROPA media committees, Bill Foster and Jennifer Munday. In addition to scheduled speakers, there were open microphones and time given for everyone with comments or questions to be heard.

The scheduled speakers gave a number of presentations that covered all types of recording. However, much of the discussion seemed to focus on the concept of a national agreement for self-produced recordings.

ICSOM's EMC shared a list of principles it thought would be key to any national agreement covering self-produced recordings. The committee had spent a great deal of time discussing these principles over the past few months, and we were pleased that the vast majority of representatives at the summit agreed with the EMC's call for a national agreement to address self-produced recordings.

As a result of the consensus reached at the summit and the agreement from symphony managers to begin talks, the following AFM press release was posted on Orchestra-L and at the AFM website:

We are pleased to announce that Federation negotiations for a new Symphonic Recording Agreement are due to begin on April 4-5, 2005. These negotiations are an outgrowth of the Symphonic Media Summit that took place on February 21, 2005 in Chicago. At that meeting, attended by musician and local officer representatives of symphony, opera and ballet orchestras, a consensus was reached on the concept of creating a new Federation agreement for self-produced recording.

The Federation negotiating committee will be meeting with the Managers' Media Committee at the offices of AFM counsel, Bredhoff and Kaiser in Washington, DC. Leading the negotiations for the AFM will be George Cohen, AFM General Counsel.

The Federation negotiating committee comprises members of the ICSOM EMC, ROPA and OCSM representatives, AFM officers, local officers, and AFM General Counsels George Cohen and Trish Polach. While negotiations were originally intended to begin on April 4, key members of our negotiating committee were unavailable at that time. Instead, on April 4, those members of our negotiating committee who were available met to discuss the negotiations, focusing on the principles developed by the EMC.

On April 17, management representatives made a presentation regarding their concerns about the existing AFM electronic media agreements. During the evening following that meeting, the Federation negotiating team caucused to discuss its response. The AFM team decided to present several of the “ICSOM principles” to the managers. On April 18, the entire day was dedicated to discussing those principles with the management team. The meeting had positive, open discussion about expectations regarding self-produced recordings.

(continued on page 9—see MEDIA)

Corral

(continued from page 1)

more money was raised, but instead of puttin' a little bit a' that cash into restorin' the orchestra salaries like he promised, he poured it right in after the other moolah and told the orchestra to shove it.

To get his way, he snookered the whole symphony board into believin' every last figure of the gloom 'n doom prediction (four years till busted 'n broke 'n bitin' the dust). His "kill-'em-to-save-'em" medicine was part a' the package from the very beginnin', but he covered it up with all sorts a' flowery talk 'bout preservin' artistic greatness 'n stuff. The tone-deaf son-of-a-gun had the joint by the oysters and was a' swingin' it over his head like the biggest lassoo ya' ever saw. As that gold started bein' roped in (\$136 million of it), 'n Rattams started sittin' on top of it, they was no way he was gonna spend even a dime to feed his poor horse. It just twernt in his basic banker nature. He'd ride that mount till it dropped, then just git another one.

So "negotiations" started on the new orchestra contract. The first meetin' was back in December of '03 and was called a "plannin' session" by the management. The plan was to work without lawyers till we come to an agreement. By the third meetin' it became purty clear that Rattams' plan was to get us to do exactly what he wanted. That was basically to commit to separate plans that depended on the amount of new guaranteed funding they happened ta cook up.

Ya see, the Missouri territory has this funny law whereby the voters let themselves be taxed ta support specific nonprofit institutions; it's called the Zoo-Museum District (ZMD), and the Symphony was makin' another run at gittin' in, 'coz it would set 'em up purty fer life. (They done got thar butts whupped the first time they tried it, when the voters thought they was all a bunch a' Lexus-drivin' West County folk. Imagine that!) So what the Rattams Gang wanted the orchestra to do was commit to one plan with ZMD and to a different one without it, in the unlikely event it didn't quite work out. (Guess which one sucked rattlesnake eggs.)

Mostly, the "plannin' sessions" were just brain fryin' hours spent listenin' ta Their Financial Predictions, ta the line "WE CAN'T SPEND WHAT WE DON'T HAVE" (say this line like a robot, while payin' cash fer yer Lexus), an' ta ever'one's favorite: "I'm only the messenger."

And so the "plannin' sessions" from January to July of '04 turned out ta be just "planin' sessions"—slowly planin' slices of intelligence and good will offa' the folks forced ta sit through 'em. Then the musicians brought in their big-time lawyer, good ol' Doc Leibowitz. Surprise, surprise, the management decided not ta go the ZMD route. (It costs 'em big bucks to stick sumthin' on the election ballot. Even though it was all new management folks about to choke on that same piece of gristle, somebody musta' pounded some sense inta thar thick skulls.) So Rattams claimed he had nothin' ta offer. He'd try'n raise some dough by December '04, he said, so he wanted to nail down the other contractual stuff. 'Course, the good guys were smart 'nuff ta know that ain't how ya do it. Ya gots ta tackle the hard parts first so's ya got sumthin' ta give up if ya needs to.

In September, the Gang offered \$61,000—a great deal if yer partial to a 17% pay cut on top of the one ya already done been swallowin' fer four years. Here we were havin' that "retention bonus" baloney shoved in our faces agin. The retention bonus, accordin' to the bad guys, was the "extra" \$12,900 on top on our "true salary" of \$61,000. Usin' this logic, the Rattams Gang was offerin' just a little superficial wage-freeze wound. Unfortunately, the bullet woulda felt like it was goin' in a heck of a lot deeper. Surprise, surprise, the orchestra voted it down. Met once more in October. Decided to cancel all meetings til management had sumthin' ta offer.

On December 27 the meetings began again, just about the time I dragged myself into the hospital with an aorta about ta blow. A week later I stumbled out, with a pig valve in my chest 'n some purty impressive doctor tattoos on my abdomen—just in time to find my health insurance and paycheck missin'. Now those hombres were gonna make us dance, pardner!



Author, December 29, 2004, four days before health insurance is cut off

At this point we should tell ya 'bout another character in this horse opry goin' by the name of Losin "Starve-em-out" Sim. By firin' a few other people in the way, Rattams (by now referred to as "Big Rat") set her up as orchestra manager. Well, Calamity Sue, as she became known, was kinda' like the wolf guardin' the chicken coop. She'd shoot her horse to make it go faster. In terms a' the orchestra she was in charge of, she done come up with some a' the nastier things that went on. Once the orchestra started diggin' in its heels 'n circlin' the wagons, Calamity Sue mighta' cooked their children up as soup bones if'n she got the chance. She were one fearsome varmint.

On January 3 the orchestra turned down the "last, best, and final offer," which was the same fertilizer bein' offered up on a different dirty platter. I actually made it to the meetin', lookin like a piece a' bad hide. But I added my vote to the virtually unanimous one there, and we started settin' the various work stoppage committees into gear. Doc Leibowitz was purty confident management was engaging in a lockout, with the auditions bein' cancelled without warnin' and the locks bein' changed on us even before we voted. So we called it a lockout, simple folk that we be.

I have ta admit, I missed a lotta' the next coupla' months. Just couldn't stay outta the hospital coz a' some nasty post-surgery infection. I reckon it was a purty special time for the orchestra, though, with all the great concerts they put on, little 'n big, 'n potlucks, 'n newsletters, 'n website, 'n tons of amazin' support (like \$120,000 in cold hard cash) from other ICSOM outfits. Letters in support of us piled up at the newspapers, 'specially after they cut our health insurance off. Evidently that's a bit of a sore point fer a lotta' folks right now. By the way, the management had darn good lawyers. Somebody over there figured out how exposed their legal posteriors were when they cut off insurance to the people on medical leave.

(continued on page 13—see CORRAL)

Touring and Residencies *from the ICSOM Governing Board*

As musicians, we are all keenly aware of the need for communities to support their local orchestras. We know that an orchestra's value to its community reaches far beyond the concerts it presents. The loss of any orchestra is a terrible blow to a community's cultural and educational foundations. That is why it is especially troubling to hear that any community or orchestra leader is seriously considering replacing an orchestra with visits by imported orchestras as a means of "preserving" the cultural asset.

Sadly, there have been all too many times that visits by outlying orchestras have been viewed as a remedy to the financial needs of a troubled orchestra. Recently we have witnessed the closure of the Florida Philharmonic. There is much suspicion that while efforts were ostensibly being made to save the Florida Philharmonic Orchestra, responsible parties were at the same time planning for The Cleveland Orchestra to open the soon-to-be-completed hall that was to be the venue of the Florida Philharmonic and for annual residencies of imported orchestras to serve as replacements for the FPO. This raises many serious questions. While none of us may be able to prevent an orchestra from folding or to force a community to appreciate and support its local orchestra, we are not powerless. We can be vocal about community failures to support local orchestras and about the many community needs that go unmet even with visits from other orchestras.

We must do all we can to raise the level of consciousness of as many people as possible regarding the value of having and maintaining local orchestras. This is not just for communities that face the loss of their orchestras. What one community does, every other community watches. The ICSOM Governing Board therefore urges that orchestras, as they prepare their touring and residency schedules, be proactive in looking for ways to call attention to community needs and failures. We must look at our travels as opportunities to raise awareness of the real need to support local orchestras and of the many benefits that support brings.

We ask you to consider how best you and your orchestra might accomplish this goal. Certainly, it would be valuable to speak with musicians from orchestras in the cities you will be visiting well in advance of your travel dates. If they are facing particular troubles, please make every effort to support them in every way possible. A visit by a prestigious orchestra is a public relations gold mine if used properly.

We believe this message is and should be consonant with the views of music directors and managers. Voice your concern to your music director and managers that your orchestra not be used as a replacement for another metropolitan orchestra. Please try to enlist help from all sources, including music directors and managers, in this endeavor. Please also be aware, however, that even without such support, there is much to be done and much you can do. We believe that the more vocal we are about these issues, the more we will see managements join with us in voicing concern.

If your orchestra does travel into an area where an orchestra has been killed or is currently facing troubles, we ask that you look for ways to bring the local issues into the forefront when speaking to the press, audiences,

and other groups by urging them to support their local orchestras. Without such commentary by visiting orchestras, it may become all too easy for people to believe that they have found a cheap alternative to supporting their own musicians—the ones who are there day in, day out. Those are the musicians who live and spend their money in the community, perform with other local groups, teach, mentor, and pay taxes. We are those musicians.

Media Committee

(continued from page 7)

The next negotiation sessions are scheduled on June 19 and 20, following the ASOL Convention. As always, we encourage any thoughts on the subject of these negotiations from any ICSOM orchestra.

Over the past two years, the ICSOM EMC has been involved in negotiating the Audio-Visual Agreement and extending the Audio Internet Agreement. We were consulted during the extension of the Sound Recording Labor Agreement (SRLA) when, for the first time, downloaded product was included for sales and special payments credit. It has also been the committee's task these past two years to examine other symphonic media contracts, including syndicated radio and the Radio-to-Noncommercial Agreement (RNC). Unlike the negotiated national agreements, the syndicated radio contract and RNC are promulgated agreements, with rates and terms set by the AFM International Executive Board in consultation with ICSOM, ROPA, and others.

The ICSOM EMC continues to discuss all recording and broadcast agreements. Many of our national recording agreements have firewalls and favored-nation clauses that must all be kept in context, especially in relation to job security issues for our colleagues in the commercial recording field. It takes time to consider the possible ramifications of changes, and identifying what is best and most beneficial for our orchestras is never easy.

The ICSOM EMC is your voice to the AFM during negotiations and ongoing discussions. Please do not hesitate to contact any member of the committee. Members of the ICSOM Electronic Media Committee are:

Bill Foster, Chair (National Symphony, wmfoster@speakeasy.net)
Paul Frankenfeld (Cincinnati Symphony, CinSymVla@aol.com)
Jan Gippo (St. Louis Symphony, jangippo@earthlink.net)
John Koen (Philadelphia Orchestra, johnkoen@mac.com)
Steve Lester (Chicago Symphony, swlester6@aol.com)
Cathy Payne (San Francisco Symphony, paycat@aol.com)
Brian Rood (Kansas City Symphony, brianflood@sbcglobal.net)
Laura Ross (Nashville Symphony, lar2vln@comcast.net)
Fiona Simon (New York Philharmonic, simonf@nyphil.org)
Rich Weiner (The Cleveland Orchestra, richjackie@earthlink.net)

Laura Ross is ICSOM Secretary and a member of the ICSOM Electronic Media Committee. Bill Foster is chair of the Electronic Media Committee.

Leadership Wanted

by Sam Bergman

The notorious muckraker Molly Ivins once observed that among the steps needed to combat a crisis in state government were the following: get the governor out from under his desk; place a foot firmly in the governor's back; tell the governor, "Lead, you dumb sumbitch, it's what we pay you for."

In the past year, orchestras across the U.S. have been confronting the changing nature of media as it affects our own broadcasting and recording practices. In Cleveland, musicians took a hard stand on principle, refusing to play at the prestigious BBC Proms festival if they were not to be paid for the online streaming audio of their performance. In Philadelphia, a new collective bargaining agreement will allow recordings to be made without the upfront payments which have always been a cornerstone of the industry. In my own orchestra, various committees have been hashing over a package of new media proposals from Minnesota Public Radio, which carries our weekly live broadcasts, and trying to decide what we can allow under the national agreements which bind us, and what we want to allow in any case. These are serious issues requiring serious debate, and while musicians and orchestras appear willing, even eager, to engage them, I have come to the sad conclusion that our national union leadership is hiding under the desk.

Shortly after the Philadelphia contract began to make news, AFM President Tom Lee called a summit meeting of orchestra committee chairs and Local presidents to discuss these very issues, and (hopefully) to find the beginnings of a way forward. I was thrilled to be a part of such a conference, and for the first few hours of that meeting in Chicago, when the discussion was free-flowing and wide-ranging, I actually began to think that some real progress might be made. But then, following a lunch break, the AFM leadership shifted the conversation dramatically, introducing the idea of negotiating a new national agreement to allow orchestras to create in-house recordings from concert tapes at a fraction of the cost of traditional "studio" recordings made under the auspices of a third-party record label. I was a bit surprised, since this sounded like an awfully narrowly focused enterprise, and one I recognized as a plan which had been floated previously by one or two high-profile orchestras. In other words, it might be a good idea, but it certainly wasn't going to a) address any of the larger issues we'd supposedly gathered to confront, or b) have any impact at all on the vast majority of orchestras represented at the meeting.

Nonetheless, it quickly became abundantly clear that the real purpose of the summit was to circle the wagons around this new proposed national agreement. Some orchestras had clearly been briefed in advance on this—most had not. For the rest of the day, as some of us in attendance tried desperately to shift the conversation back to the core issues of payment and distribution, various AFM leaders rose periodically to say how pleased they were with the "groundswell of support" for their proposal. I wasn't hearing any groundswell—if anything, I think many of us would have been happy to approve the idea and move on to more important things. At the end of the day, I went home frustrated not by how little we had

accomplished, but by how little we'd even tried to accomplish. Confronted with a quickly-changing world that wasn't conforming to our existing game plan, we'd chosen to tack on a footnote rather than revise the book.

Over the last few months, I've spent a lot of time talking with AFM officials and my counterparts on other orchestra committees about where we're headed. The media debate is wildly complicated, of course, and can be approached from many different angles. But basically, whether we're talking about traditional recordings, radio, on-demand audio streams, downloadable music, or some other technology, there are two overarching options available to us as a unionized workforce confronting change. Either we can reaffirm our commitment to the strategies that have brought us this far (upfront payments, flat recording rates, etc.), making tweaks and adjustments as needed to account for new technologies, or we can conclude that a whole new set of rules is needed to allow us to reestablish orchestral music as a viable part of the new media landscape. Both positions have their supporters, and both deserve a full hearing from all interested parties. (There is a third option, of course, which was raised in the last issue of *Senza Sordino*: we could junk national recording and broadcast agreements altogether, and allow orchestras to decide for themselves what and how they should be paid for the distribution of their work. To me, this seems like a very backward way to confront the problem. More than ever, media is a global affair, and pretending that the decisions made by an orchestra in one city won't directly affect an orchestra thousands of miles away is counterproductive.)

Trouble is, we aren't having the discussion. We aren't even in the same room. Rather than admit that we have a problem with no easy solution and tackling it honestly, we're hiding behind a patchwork of short-term fixes and hoping that someone else will figure it all out for us. The reason for this approach is obvious: orchestras that aren't getting a slice of the media pie want one, and the ones that have one don't want theirs to get any smaller, and often, those two wants can conflict with the desire for a national standard. The need to balance these individual desires with a concern for the good of the industry's musicians as a whole is, dare I say, why we have a union. So why isn't the national leadership of the AFM willing to step into the breach? I have talked to Local officers with strong opinions and good ideas on the future of media. I don't know a single orchestra committee chair who doesn't have a position on upfront payments and online distribution. It might take a knock-down, drag-out fight to get us all on the same page, and there's no question that any hard-and-fast national standard has the potential to make some orchestras worse-off in the short term than they are right now. Will we kill off Electronic Media Guarantees? Allow for revenue sharing in place of upfront pay? Bundle online streaming rights with radio broadcasts? Create a cafeteria plan where distributors can pick and choose the rights they want and pay for them a la carte? Maybe, maybe not. But any of these possibilities has to be preferable to the AFM's current strategy of allowing individual orchestras to abandon existing national agreements simply because no one is pointing the way forward.

(continued on page 11—see LEADERSHIP)

Free the ICSOM 52

by Robert Levine

In the last issue of *Senza Sordino*, Doug Fisher asked whether we should have national agreements covering electronic media. While he clearly meant the question to be rhetorical, I would like to suggest that the right answer might be “no.”

Collective bargaining agreements set minimum rates of pay (and, in almost all industries but ours, maximum rates as well) in order that employers can neither take advantage of employees by pitting them against each other in the infamous “race to the bottom” nor bribe them to be good pro-management flunkies by paying them more than their colleagues.

AFM national media agreements are predicated on the notion that, in the absence of national rates, media companies will invariably look for musicians who will do the work for less. And indeed they do; that’s why film work is moving to London, Prague, Sydney, Seattle, and Toronto, where AFM agreements don’t apply and musicians will work for less.

But the idea of a “race to the bottom” assumes that the work is moveable; that a film company, for example, can pick up its marbles and hire a bunch of musicians in Seattle without anyone but the un-hired musicians in Los Angeles knowing, caring, or being able to do anything about it.

For symphonic media work, that’s simply not the case anymore. Once upon a time, the record companies (and radio stations and national networks) hired symphonic musicians to do symphonic media. Now orchestras pay for that work. Virtually all symphonic media work is paid for by the very same employer who pays us to play concerts (and with whom we already have a CBA)—our own symphonic institution. That employer then takes that media product and either sells it to a third party (such as Naxos Records) for far less than cost or simply gives it away to NPR, PBS, or a commercial radio syndication network. Or, as in the case of the new Philadelphia Orchestra agreement, the employer licenses a third party to distribute media product the orchestra has produced.

But what they can’t do is move the work elsewhere. The Chicago Symphony management won’t hire the Milwaukee Symphony to do media work even if the MSO musicians might work for less. And, because they won’t, there’s no race to the bottom. The Chicago Symphony musicians are free to negotiate with their management for whatever rate they feel they deserve. The worst that can happen is that their management can say “no” and that the media work isn’t done.

This is precisely the situation that we all face with our day jobs. My colleagues in Milwaukee may believe (and most of them do) that we deserve to be paid more for our live work than our management pays us. We are free to negotiate for a higher rate, and management is free to say “no.” And then the musicians are collectively free to decide whether or not they want to work for what’s being offered.

If there were a national rate for live orchestra work, and it were set at the rate the Chicago Symphony musicians would like (and indeed deserve), then there would not be an orchestra in Milwaukee unless the MSO

musicians broke ranks with their colleagues in Chicago and made a local deal to save their jobs. But why should they be faced with the choice of being bad trade unionists or unemployed musicians?

National agreements are a good idea when the employers are truly national and able to move their work. But in our industry, national media agreements, by dictating rates that should be negotiated locally, cause some musicians to be paid nothing and others to be paid less than if they could negotiate directly with their local employers. Who does this help?

If we are to have national media agreements, let’s have them focus on issues that are hard to negotiate well locally. A good national media agreement would protect musicians against their media product being used to replace them or dismiss them, and would provide payments for use of their product in other areas. It would also protect musicians in the film and commercial recording industries from the misuse of symphonic musicians’ media work to replace them.

What a good national media agreement would *not* do is to interfere in the local negotiation of compensation between musicians and their employers for work that can’t be moved elsewhere. Any attempt to do so will result in less work and less income for orchestra musicians, as well as less symphonic media product. And, in a world where electronic media is more and more important for promoting orchestras to the public, that would not be good for orchestra musicians either.

Robert Levine is a member of the Milwaukee Symphony, president of AFM Local 8, a past editor of Senza Sordino, and chairman emeritus of ICSOM.

Leadership

(continued from page 10)

I realize that, to some who have been in this business far longer than I, this may all seem like the frustrated ranting of a young committee chair who hasn’t been around long enough to learn how to work the system. But that’s exactly my point. I shouldn’t have to work the system. The system should be working for me, and for every orchestral musician that the AFM purports to represent. No one is asking for the AFM leadership to swoop in with some magical answer that everyone will be happy with—regardless of what direction we turn as we look to the future of our industry, some percentage of those involved in the discussion will wish we’d turned another way. But the current policy of placating whatever orchestra is in crisis at the moment while determinedly ignoring the larger issues raised by the crisis is cowardly and untenable. Unions are supposed to unify us, and if that were an easy task, we wouldn’t need them in the first place. We badly need those at the helm to take a chance, and step into what could be a very ugly fray. It’s called leadership, and it’s what we pay them for.

Sam Bergman is a violist in the Minnesota Orchestra, a news editor at ArtsJournal.com, and a past editor of Senza Sordino.

President's Report

(continued from page 3)

Health Insurance Report

The ICSOM Governing Board started a comprehensive study in 2003 to investigate a national healthcare plan for ICSOM and other full-time AFM orchestras. Representatives from the Mercer Human Resource Consulting Group out of Boston and Washington D.C. were engaged to provide assistance.

The goal was to explore national healthcare options that, according to preliminary research by the Mercer Group, might offer savings as high as 10%. The largest savings would be obtained through a self-insured plan covering all ICSOM orchestras, which would eliminate or reduce claim margins, premium taxes, risk charges, and administration charges. A fully insured plan through a national carrier would offer somewhat smaller savings.

On May 24, 2004, members of the ICSOM Governing Board, Major Managers' Healthcare Taskforce, ROPA representatives, and members of the AFM International Executive Board met in Chicago. After a great deal of research and discussion, our joint conclusion was that there are currently simply too many obstacles to warrant further action. Some of the issues include:

- Insurance carriers are hesitant to bid competitively for national groups that cannot be clearly identified. This is relevant because our health insurance benefits are negotiated locally, unlike the health benefits for some national groups such as teachers and teamsters unions.
- Insurance costs vary widely on a regional basis. Orchestras in the south, for example, enjoy lower overall costs than those in the northeast or in the west. Because of these cost differences, it would be likely that orchestras with already low rates will self-select out of the group, leaving participating orchestras with higher average costs. Such "cherry picking" would effectively negate the benefit of spreading risk to all orchestras.
- One plan design we examined would have covered, in addition to musicians, orchestra staff not employed under collective bargaining agreements. States are allowed to regulate healthcare plans covering employees of unrelated employers, known as Multiple Employer Welfare Arrangements (MEWAs). Unfortunately, state regulations governing self-funded MEWAs vary by including separate state-mandated benefits, having different cash reserve and filing requirements, and even disallowing coverage in some states.
- Collectively bargained healthcare plans can avoid these MEWA laws if at least 75% of all participants are covered by the collective bargaining agreements establishing the plan (among other requirements). A comprehensive survey of ICSOM and ROPA orchestras completed last summer showed that we fell short of the 75% requirement due to the high number of staff personnel in our

orchestras. Faced with this result at the meeting last May, we suggested that managers encourage their staffs to unionize in order to reduce health insurance costs. The managers were not enthusiastic about this "solution!"

Given that we could not meet the 75% test, we faced four options:

1. Institute a fully insured national plan, losing the advantages of pricing flexibility and increased savings associated with self-funded plans.
2. Try to meet state MEWA laws, which vary widely from state-to-state, again reducing savings and flexibility.
3. Petition the Department of Labor for a federal government exemption. Given the outcome of the national elections last November, it is highly unlikely that our request would be granted.
4. Create a musician-only national plan. Any savings that might be realized from a musician-only plan could well be negated by higher premiums for the staff personnel, whose group size would shrink considerably without the musicians.

Since none of the above options was deemed practical, we have decided to postpone further study of national healthcare coverage for our orchestras until a later time.

On behalf of the Governing Board, I would like to express my appreciation to the many AFM officers, staff and counsel who worked on this project, as well as the Major Managers' Healthcare Taskforce. Special recognition goes to ICSOM Counsel Leonard Leibowitz, Paul Desrosiers and his team from the Mercer Human Resource Consulting Group, and attorney Susan Martin. Finally, thank you all for your patience as we researched the many options. Rest assured that no stone was left unturned! Although we were not able to establish a national healthcare plan, we better understand the many challenges involved. We look forward to a time when circumstances are more favorable.

Chairman's Report

(continued from page 2)

will become a common occurrence of shared trust that can spill into other more complicated and highly charged situations.

Stay tuned. Things are changing, and I am hopeful they are changing for the good of music and the arts. Wouldn't it be wonderful if, some day, all we had to do was practice, perform, and teach? And if all the other necessary details were handled properly, and we were secure in the knowledge that we were in good hands? Yes, it is a dream right now; but without hopes and dreams, we would be fools to continue. Therefore, I hope all day long and dream at night. Performing keeps both very fresh.

Corral

(continued from page 8)

In just a few weeks I had my insurance back, along with a few other hurtin' buddies. A missed opportunity to haul the Gang off to the pokey in front a' TV cameras?

But it was still a tough time. The Rattams Gang was actually turning down donations towards musician salaries so's they could stick it to us. All in all, it was pretty outrageous what they got away with. Some folks think it were personal fer Rattams. He'd heard that Doc Leibowitz was a management buster, and damned if he was gonna lose to Leibowitz, even if Rattams lost the support a' the orchestra and the whole rest a' the town.

Towards the end a' February, the Rattams Gang made their biggest move. Waitin' until Doc Leibowitz was outa town tendin' ta some other patient, in through the back door burst the local union, with a preliminary NLRB ruling (that it was an illegal strike and not a lockout) held to their sorry heads. Sittin' down at a table on Thursday night, February 24, the meetin' was presided over by the president of the St. Louee Labor Council, showin' his mean jaw and packin' a nine millimeter at his hip (true). The agreement that came outa' that meetin' was shoved in front a' the orchestra on Saturday mornin' at the union hall (a room 'bout the size of a three-stall outhouse, with matchin' air circulation). The ballots were already in the mail ta everyone. As the meetin' ground on, with various orchestra business bein' conducted in preparation for returnin' ta work, it began ta dawn on a few people that we weren't actually talkin' much about the contract, 'specially 'bout how this agreement had suddenly been reached. High noon approached, and along with it a feelin' a' desperation. People were gittin' up 'n leavin' for various commitments like family and teachin'. A handful a' brave souls stuck around to bang it out, and these people larned more of the details 'bout how this came about. I think that, just about to a person, these people voted NO. There's a good chance that if only a dozen more people had stuck around, that contract and that gang would not've survived.

But they didn't, and the contract passed, and the Andy Rattams Gang is still in charge.

The papers seem ta think everythin's all hunky-dory now that we're back ta makin' great music 'n all. And we are glad ta be playin' agin, 'specially with that rarest a' breeds, a good conductor. But it's a long, underpaid summer, with a bunch a' folks with memories 'n motives. This Gang better watch it's sorry behinds. We're thinkin' those swingin' doors'll be helpin' em on thar way.

Christian Woehr is the ICSOM delegate and a violist for the Saint Louis Symphony Orchestra. Born in Dallas, Texas, to two founding members of the modern Dallas Symphony, he and his five string-playing siblings grew up as "orchestra brats," following their musician parents from orchestra to orchestra, mostly the Pittsburgh and Chautauqua Symphony Orchestras. His sister, Mary, is now a violist in the Baltimore Symphony. Chris is a prolific composer, and the last remaining non-driver in the SLSO.

Secretary's Report

(continued from page 3)

are already preparing a presentation to co-host the 2007 Conference, but 2006 is wide open! Any orchestras interested in hosting the ICSOM Conference should contact me as soon as possible and be prepared to make a presentation at the Conference this summer. A memo concerning Conference-hosting information was included in the Conference mailing and may also be found on the ICSOM website.

The 2005 ICSOM Conference information is at the end of this column. The Conference is tentatively set to include panels and discussions with topics including relations with our locals, negotiations, orchestras that have survived labor strife, and member orientation. ICSOM Counsel Len Leibowitz will continue furthering our knowledge and understanding of various aspects of labor law. Any ICSOM orchestra member is welcome to attend the Conference. I'd also like to encourage orchestra committee and negotiating team members, and especially your attorneys, to consider attending as well. However, I ask that you contact me as soon as possible to let me know you will be attending. This will allow you to receive Conference mailings before the start of the Conference, and it will help ensure that you receive proper credentials at the Conference. I look forward to seeing everyone at the Conference this summer, it's shaping up to be a good one.

43rd ICSOM Conference

August 17-20, 2005

Hosted by the San Diego Symphony
at

Shelter Pointe Hotel
1551 Shelter Island Drive
San Diego, CA 92106

(800) 566-2524 or (619) 221-8000

The Conference will begin Wednesday morning, so delegates and guests are encouraged to arrive the evening of the 16th. Conference business, including elections, will conclude Saturday afternoon. Delegates should plan to remain through the entire Conference.

All Conference attendees are asked to register with the ICSOM Secretary by July 10. The official Conference packet was mailed to delegates on May 16, 2005. Information regarding hotel reservations and Conference registration forms are available under the 2005 ICSOM Conference link on the ICSOM website (www.icsom.org).

Hotel reservations must be made by July 15 to receive guaranteed rates. Rooms are limited, so please make your reservations early. Please contact ICSOM Secretary Laura Ross at lar2vln@comcast.net with any questions.

A Grand Solidarity Concert in St. Louis

by Catherine Lehr

The St. Louis Symphony returned to official rehearsals and concerts on March 3, 2005, after an eight-week work stoppage. But during our two-month hiatus from Powell Symphony Hall, our musical activities continued unabated. After the SLSO musicians rejected the management's contract offer on January 3, we formed ourselves into various committees, knowing it might be some time till we returned to work. There was the negotiating committee, of course, as well as a media committee, a concert committee, and a thank-you committee. Except for the negotiating committee, which was elected by the musicians, all the committees were formed from among the musicians on a voluntary basis; whoever was able to give of their time and expertise did so.

One of the ideas behind the organization of concerts was simply to continue performing. We are all musicians, and playing concerts is what we do. But in addition, we wanted our music to remain part of the fabric of the city's life. We didn't want the public to forget the sound of a symphony orchestra. We wanted each of our performances to have value in its own right, to be creative and inspiring for the audience as well as for us on stage. These concerts reflected our feelings about music itself and had something of the joy we all felt as teenagers when we played for love and not for money.

Some of our concerts were benefits for other organizations. Our first performance was a benefit for the American Red Cross for tsunami relief. Another featured nine soloists from the SLSO and raised money for the Community Music School of Webster University, which had so generously donated rehearsal space, percussion instruments, music from its library, and a popular concert venue.

After the SLSO management cancelled a series of children's concerts, an elementary school teacher, disappointed that her class would not be able to hear a symphony orchestra this year, wrote a letter mentioning the difficulties inherent in returning field trip money to a class of third graders. Violinist Dana Edson Myers from our concert committee called her and asked if she would like musicians to come to her school to play for the children. This led to our giving a children's concert, again featuring orchestra soloists, in a large church across the street from the school, filling the sanctuary with primary school children. The field trip money was donated to an organization providing music for inner-city school children.

Other performances raised thousands of dollars for our health insurance or were simply free concerts, given as gifts to the music lovers in our community. One Friday night, string quartets played in several downtown art galleries simultaneously, and people strolled from gallery to gallery, enjoying the art, both visual and musical. The Eroica Trio headlined another concert. Leaving babies, toddlers, and husbands in New York, they traveled to St. Louis and packed the house for an all-Beethoven concert with us, sandwiching the performance into their hectic tour schedule.

When the SLSO management postponed a concert celebrating Black History Month, we found that we could not duplicate the concert, as the music was only available in the SLSO library. Instead, we divided into small groups and played in multiple African-American churches on the last

Sunday of Black History Month. The churches requested spirituals, so composers from within the orchestra worked long into the night arranging spirituals for our various chamber ensembles. That same Sunday, Garrison Keillor (from *A Prairie Home Companion*) flew to St. Louis at his own expense and created with us an evening of music, poetry readings, and commentary like nothing I have ever experienced. It was titled *Music in the Air*, after lyrics from the spiritual *Over My Head*, and was inspired by the spirituals we had played in the churches that very morning. With the audience overflowing into the aisles and entryways, the concert was two and a half hours long, and Mr. Keillor signed autographs and greeted the public for still another hour afterwards.

Arranging each of these events had its challenges, exacerbated by our having to organize at the last minute, as we were always hoping to go back to work. Each complete story of each concert could in itself be a *Senza Sordino* article.

Our very last concert, ironically, was one of the first that we began to organize after our paychecks and health insurance stopped in January. It was a combined orchestra concert, eventually including musicians from seventeen organizations. Early in the work stoppage, we had spoken with folks from the Philadelphia Orchestra. In terms of raising community awareness, money, and morale, they felt that the most important concert they presented during their 1996 strike was a joint concert with the New York Philharmonic. Thinking of doing something similar, we contacted members of the Chicago Symphony. They said they would like to help, but didn't think 80-90 musicians would be able to make the five-hour drive to St. Louis and back on a day off. However, beginning in early January, we started talking about possible dates and conductors; there were concerns about traveling in winter weather, as well as having enough musicians willing and able to make the trip. Finally, a date was established for the afternoon of Sunday, March 13, and a dozen or so CSO musicians signed on. Then, little by little, we discovered that the Philadelphia Orchestra and the New York Philharmonic were free the same day and that some of their musicians were available and eager to join us. The Kansas City Symphony was one of the first to get in touch with us, offering anything we needed. They had a concert the afternoon of March 13, but with a reduced orchestra, and three of the KCSO musicians wanted to play with us. As we contacted more and more orchestras and discovered them with a day off on March 13, it occurred to us that a more efficient way to do this would be to have our ICSOM representative, Chris Woehr, send out an all-points bulletin, inviting all ICSOM orchestras to participate if they could. More orchestras signed up, and soon a formidable group of musicians had cleared their schedules and made plans for a trip to St. Louis for our grand united solidarity concert at their own expense (or that of their orchestra committee).

And then, on February 26, two weeks before the Combined Orchestra Solidarity Concert, the SLSO musicians met with the negotiating committee. The committee had a contract offer they were not happy with, but felt they had to recommend to us. The vote would be taken by secret ballot through the U.S. mail system and would be counted on March 1, less than two weeks

(continued on page 15—see SOLIDARITY CONCERT)

Solidarity Concert

(continued from page 14)

before the March 13 concert. The question then became, should we go ahead with the concert? A few out-of-town musicians had already made travel plans with airlines. We called musicians from the New York Philharmonic, and their committee said they would do whatever we wanted, that if we in St. Louis wanted to go ahead with the concert, they would be there for us. We polled other musicians who felt the same way, and so the concert was set in cement. Those ultimately joining us were from the Baltimore, Chicago, Dallas, Indianapolis, Kalamazoo, Kansas City, and Nashville symphonies, the Cleveland and Philadelphia orchestras, the Florida, New York and St. Louis philharmonics, Music of the Baroque in Chicago, DePaul University, Indiana University, and the University of Missouri.

One of our biggest hurdles in all this was finding a conductor. There were several conductors whom we admired and longed to work with, but they were "unavailable," either by happenstance or on purpose. We got the feeling that the conductors' managers didn't want them caught up in a labor dispute. As orchestra managements provide the bread and butter for the conductors' managers as well as for the conductors themselves, it seemed they all thought it best to stay out of it.

Consequently, we were quite pleased when Benjamin Zander agreed to lead us, also coming at his own expense. Among his conditions were that no one else speak at the concert and that we musicians not use the concert as one last defiant clenched fist to the SLSO management. And so the Combined Orchestra Solidarity Concert became a thank-you gift to our St. Louis audience, a grand celebration of orchestral music itself, reminding me personally of why I went into music in the first place. Ben Zander spoke eloquently about the pieces: Beethoven's *Coriolan* Overture, Tchaikovsky's *Romeo and Juliet* Overture-Fantasy, Shostakovich's Fifth Symphony, and

Nimrod from Elgar's *Enigma Variations* as an encore. He chose a difficult, but do-able program for one 90-minute rehearsal, and we all felt happy and proud to be musicians and to be together on one stage.

Many aspects of the March 13 concert were serendipitous. We didn't hold auditions, and we didn't turn anyone away who was willing to come. (What we would have done if 30 trombones but only two violins wanted to play is now just a subject for speculation!) Each section arranged its own seating. In the cello section, there were seven SLSO members and six visitors. We decided that the most fun would be for each SLSO cellist to sit with an outsider. Our retiring SLSO principal cellist, John Sant'Ambrogio, sat principal for the concert. The remaining SLSO cellists drew lots for a stand, which they shared with a visitor. Friends sat with friends whenever possible. The final concert felt like a combination of an all-state orchestra, a class reunion, and the most magical music making possible. When the last notes of *Nimrod* had faded away, Ben Zander led us all into the audience to be with the public. Later we came together at a private home for food and conversation, catching up with old friends and making new ones.

There are no words to express our gratitude to all those who helped us during the work stoppage—from writers of letters to the local papers to those who donated tens of thousands of dollars, and from the many musicians and creative artists who became our collaborators to the folks who just thought of us and called to ask how we were doing.

We in St. Louis bless you all.

Catherine Lehr has been the assistant principal cellist of the Saint Louis Symphony since she joined the orchestra in 1975. She was a member of the concert committee that arranged the many performances described.



In rehearsal for the Combined Orchestra Solidarity Concert in St. Louis, March 13, 2005

photo by Laura Ross

Nominating Committee Announcement

In accordance with ICSOM bylaws, elections are to be held at the 2005 conference for the positions of President and Secretary (two-year terms), and four Members at Large (two two-year terms and two one-year terms).

In accordance with ICSOM bylaws, a Nominating Committee has been appointed by the Governing Board. The Nominating Committee may, at its discretion, nominate candidates for these positions. Additional nominations may also be made from the floor at the conference. The Nominating Committee will consider all worthy candidates, including those incumbents intending to seek reelection.

The duties of all ICSOM officers are spelled out in the ICSOM bylaws, a copy of which is in every ICSOM delegate manual and available on the ICSOM website.

Among the criteria applied by the Nominating Committee are candidates' personal abilities, experience, activity in ICSOM, compatibility with ICSOM policies and personnel, and willingness to serve. Balance of orchestra size and diversity on the Governing Board is also a consideration.

As part of its procedure, the Nominating Committee solicits from delegates and members of ICSOM orchestras any comments and criticisms, favorable or otherwise, regarding the incumbent officers and the dispatch of

their duties. The committee also welcomes suggestions for other candidates for nomination for these positions. Any member of the committee may be contacted. All input to the nominating committee will be held in the strictest confidence. Committee members may be contacted by telephone or e-mail. Deadline for input is June 15.

Members of the nominating committee are:

David Angus, Chair
Rochester Philharmonic Orchestra
585-271-1730
dangus@rochester.rr.com

Tom Hall
Chicago Symphony Orchestra
773-327-6939
TomMHall@aol.com

Mary Plaine
Baltimore Symphony Orchestra
410-433-6063
mcplaine@worldnet.att.net

International Conference of Symphony & Opera Musicians (ICSOM)

Laura Ross, Secretary
1609 Tammany Drive
Nashville TN 37206

Nonprofit Organization U.S. Postage Paid Milwaukee WI Permit No. 3704
