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Prodigal Returns The AFM-EP Fund

Former AFM president J. Martin Emerson called it “the AFM’s best-kept secret.” Hostile contractors, resistant to paying pension benefits to their musicians, have called it a “union slush fund.” Sixteen ICSOM orchestras, as well as many ROPA and OCSOM orchestras, depend on it for future pension benefits. So what is it?

The American Federation of Musicians and Employers’ Pension Fund, to give it its full name, is a multiemployer pension plan. Such a plan, according to *Fundamentals of Employee Benefit Programs* (Employment Benefit Research Foundation, 1990), is “typically an employee pension or welfare plan that covers the workers of two or more unrelated companies in accordance with a collective bargaining agreement. Contributions to support such plans are negotiated at the initiative of a labor union or a group of labor unions representing the workers of a number of companies... the workers are usually engaged in the same kind of employment.”

All multiemployer pension plans are set up under Section 302(c)(5) of the Labor-Management Relations Act of 1947. This law requires that the plans be governed by a board of trustees made up of employer and union representatives, each having equal representation. The operation of multiemployer pension plans is governed by applicable regulations of the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 (ERISA). These regulations set standards for fiduciary responsibility and govern disclosure and reporting requirements, vesting, benefit accrual, and other matters.

The AFM-EP Fund was set up in 1959 as part of a collective bargaining agreement between the AFM and the recording industry. It was initially open only to musicians who worked for recording companies, but has since become open to all working AFM musicians and AFM staff. The Fund has grown dramatically in the past decade. In 1983 the Fund was worth \$288 million. By June of 1995, the Fund was worth \$912 million.

The Fund is governed by fourteen trustees; seven from the employers and seven from the union. The trustees of the AFM-EP have historically chosen to hire staff to administer the plan and to retain a number of investment counselors to manage the Fund’s assets. The Fund’s current Administrator, M. Delores Thrower, is a Certified Public Accountant. She came to the AFM-EP Fund in 1993 from the

Directors Guild of America—Producer Pension and Health Plans, where she was Assistant Administrator and Controller.

Is it safe?

The AFM-EP Fund, unlike some of our orchestras’ own pension funds, has no unfunded liability. This means that, even if all contributions ceased tomorrow, the Fund has sufficient assets to pay all the present and future benefits due to vested participants. In addition, certain vested benefits of the Fund are insured by the Pension Benefit Guarantee Corporation, a Federal agency. Moreover, Federal law protects multiemployer pension plans such as the AFM-EP Fund from the risk of an employer withdrawing from the plan or reducing its contribution. It does so by imposing “withdrawal liability,” a legal obligation requiring such an employer to pay for its share of the plan’s unfunded liabilities.

In addition to these protections, the Fund is audited annually, and also undergoes an annual actuarial valuation.

The fourteen trustees of the Fund are held to very rigid fiduciary rules of financial integrity and performance by ERISA and the Taft-Hartley Act. ERISA states that fiduciaries (in this case, the Fund trustees) must act “with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.” According to *Fundamentals of Employee Benefit Programs*, “a fiduciary who violates ERISA’s standards may be personally liable to

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AFM-EP Fund

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cover any losses resulting from failure to meet responsibilities and may be required to return any personal profits realized from his or her actions. Additionally, fiduciaries may be liable for the misconduct of other fiduciaries, if they know about such misconduct.”

What's in it for me?

Put simply, the answer to this question is “\$4.00 per month per \$100 contributed.” This looks like an astounding annual return of 48%. The actual equivalent return on investment is harder to calculate, but is more on the order of 9%, depending on the assumptions used. This is because the \$4.00 per \$100 figure is irrespective of when the money was contributed. Joint-survivorship benefits, where a spouse who survives a deceased participant continues to receive benefits, are somewhat lower, as might be expected. Participants and their survivors are guaranteed at least 100 months of benefits if the participant dies after age 59, whether retired or not. In addition, a vested participant can begin receiving a lower level of retirement benefits as early as age 55, even if he or she continues to work. Comparing this benefit level to the benefit levels of a given orchestra's plan is a job for a professional actuary, not a part-time editor, but a number of orchestras have had the calculations done for them and found the results put the AFM-EP Fund in a very favorable light indeed.

In addition to the pension benefit, the AFM-EP Fund provides some insurance benefits as well, notably disability and death benefits if either event happens before a participant has retired and begins receiving benefits.

There are some subtler benefits to participation in the AFM-EP fund. One is security. Unlike some orchestra pension funds, the AFM-EP Fund is both fully funded and not under the control of people who may be trying to minimize an orchestra's expenses. Participation in the Fund also has advantages for orchestra managements. An orchestra participating in the AFM-EP Fund has essentially shuffled

off the immortal coil of future pension obligations onto the broad shoulders of the Fund's fourteen trustees. Its only obligation for its musicians' pension is to write a check for a pre-negotiated amount and mail it to the Fund.

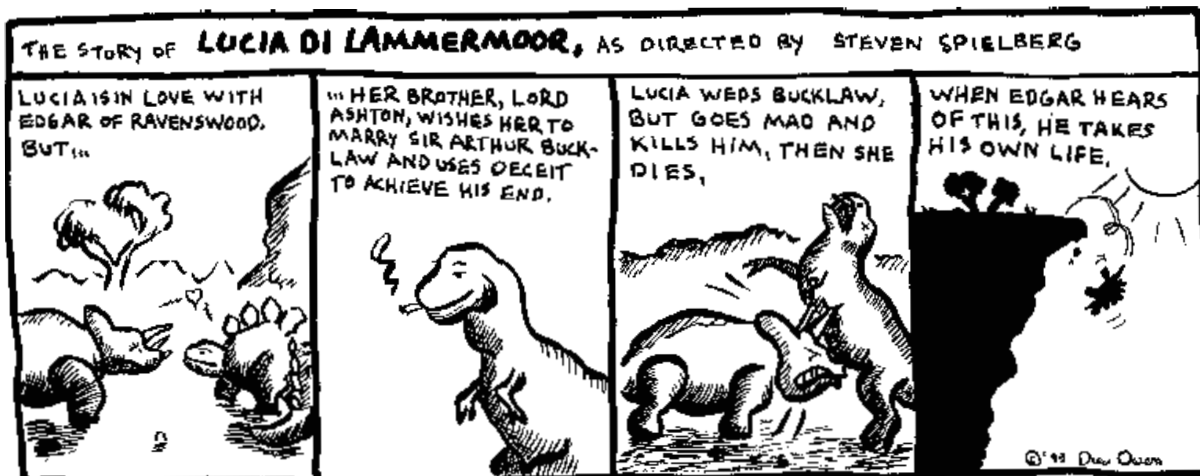
Entry into the Fund

For an orchestra with no pension program, entry into the AFM-EP is quite easy, and basically consists of negotiating management's contribution (only employers, not employees, can pay into the Fund) and signing a participation agreement with the Fund. For an orchestra with an existing defined contribution program, it could be as simple as negotiating with management that management's “defined contribution” go to the AFM-EP rather than the company currently acting as custodian of the accumulated pension moneys.

Things are not so simple for an orchestra with a defined benefit pension plan already in place, especially if that plan has an unfunded liability and will need to be fully funded. The Fund will not accept monies from an existing pension plan, whether it is fully funded or not. Even in that situation, though, an orchestra and its management may decide that fully funding the existing program, freezing it in place, and switching to the AFM-EP could produce a significant improvement in the musicians' pensions. In this situation, the Fund will transfer vesting from the old plan to the AFM-EP, which is to say that a musician fully vested under the old plan will immediately be vested in the Fund.

Nobody but the musicians of a particular orchestra, their local union, and their professional counsel is competent to say what is the ideal pension program for that orchestra. But it is clear that the AFM-EP is a program that currently meets the needs of many ICSOM orchestras, and is worthy of examination by any orchestra not completely happy with their current program.

Robert Levine



(thanks to Drew Owen, Louisiana Philharmonic)

Conductor evaluations: why bother?

by Tom Hall

Relations with conductors have always been a concern of orchestra musicians, and ICSOM has addressed this matter since its very beginnings in 1962. A committee was even appointed at the September 1963 conference to draw up a code of ethics for conductors. Such a code was approved at the 1967 conference, but the hope that it would become part of AEFM bylaws was unrealized. However, a conductor evaluation program was formulated and approved at that same conference. At first, results were hand-tabulated by member orchestras and conveyed to a Rapid Communication Center for dissemination. In 1982 we instituted computerized tabulation and data storage. The program currently provides over 2,500 evaluations on more than 500 conductors.

Each year at the ICSOM conference, I present a report on the conductor evaluation program. In preparing these reports, I consult the staff at Wayne State University in Detroit, where our conductor evaluation forms are tabulated and where the results are stored in the WSU computer for access by member orchestras. This year I had an unpleasant surprise: the number of ICSOM orchestras sending in evaluation reports had dropped dramatically, from about half of ICSOM's membership in previous years to about one-third in 1994-1995. Why had a substantial number of member orchestras declined to participate in this program? I asked that question at the conference. Most of the answers were not new; I've heard them from some orchestras which have never been actively involved. Here are some of the reasons given and my replies to them.

The form isn't perfect. It doesn't give orchestra members a chance to vent verbally, to write down criticisms. The form quantifies, and artistic evaluations are qualitative. It's not the purpose of the form to give orchestra members a chance to provide extended critiques or to blow off steam. The primary purpose of providing forms has always been to offer musicians a way to provide their collective subjective opinions and objective appraisals of conductors to help managements reach decisions about engaging guest conductors or music directors for member orchestras. If all you want to say is that a conductor was pretty good and you want him/her back, you need fill out only those questions on the form. And if you want a better form, don't hesitate to make some constructive suggestions to your delegate or to me.

We don't see the results. This is a democracy, and the voters have a right to know the results of their vote. There is good reason why results may not be posted or shown to the orchestra at large: orchestras must be protected from legal action by conductors charging defamation. The question of whether the compilation and distribution of conductor evaluations might make the union or its members answerable in any suit for libel arose when the program was adopted in 1967. The answer today remains as it was articulated then by

ICSOM legal counsel: proper and limited use of the evaluations is necessary to keep ICSOM and its members free from any liability. In clarifying what was proper and limited, counsel recommended that statements about conductors be neither recklessly nor maliciously made, that opinions about conductors be distributed only to persons having a common interest in those opinions, and that requests by management for evaluation information be made in writing with an assurance of indemnification.

This careful control of evaluation information, including its not being shown to the orchestra at large, is therefore reasonable and prudent. Leaks to the press are a major concern. The publication of evaluation information in any periodical or paper with a circulation outside the limited professional sphere might be protected under the right of the press to make "fair comment" on public figures, as long as such comment has relevance to the person's public character or performance, but there are many differing views as to how far the press can go in this regard.

Not enough people in our orchestra participate. Well, let's face it: advocacy for collective action has always been and still is difficult. Obviously, the more musicians and the more orchestras that regularly and conscientiously fill out the forms, the more valid and significant the results, but even if only part of your orchestra fills out the forms, the results have some usefulness, and even if only a few musicians want to fill out the forms, it's only right and fair to let them have their say.

We use our own form. OK, but that doesn't help other orchestras who want your opinion. And where is the fairness in having access to other orchestras' data when you won't provide your own? Also, using your own form doesn't eliminate the legal problems. The idea that using your own form means you can show the results to orchestra members with impunity is spurious.

There's no point in evaluating established conductors, especially our own music director. They have "arrived." With the exception of music directors in our largest orchestras, music directors do guest conduct around the country; other orchestras may want to consider your views on your music director. And suppose (as has happened in many orchestras) relations deteriorate or become divided and the management and the players want a review of the music director. If all of a sudden a conductor evaluation form appears for the music director, the evaluation becomes an isolated event which doesn't show in continuity or development of opinion over time. If problems develop with a music director, his/her evaluations by other orchestras are going to be less relevant than your own orchestras views. A suggestion of long standing is to evaluate your music director at least once a year.

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Conductor Evaluations

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Our management doesn't care what we think, or what musicians in other orchestras think. So what else is new? Of course that is regrettable, but other managements and musicians in other orchestras may care what you think, and your opinion may make a difference elsewhere in whether a conductor is engaged or not, and that in turn may affect whether your management continues to engage those conductors.

You do get our information, but we find it more efficient to send in many reports at once or even after the season is over. Don't wait! Other orchestras need your information, and they may need it quickly. A case in point occurred this season. A member orchestra sought information on several conductors who had recently conducted other ICSOM orchestras. Because evaluations were not yet available, that orchestra had to undertake informal surveys of individual members in the other orchestras, relying on individual opinions which may or may not have been representative of the orchestra as a whole.

A goal of ICSOM since its inception has been increased musician involvement in the decisions that affect their professional lives. Few aspects of our professional life are more significant than who stands on the podium. The ICSOM conductor evaluation program was instituted to provide musicians with an opportunity to collectively provide their input on this important issue. Sure, there are frustrations and disappointments when our views are ignored or rejected; that's life. The question remains: when it comes to judgments about how good or bad a conductor is, and about whether he or she should appear with our orchestras, do we want to have our say or not?

Tom Hall is a member of the Chicago Symphony Orchestra and coordinator of the ICSOM Conductor Evaluation Program.

ICSOM's Internet services continue to grow. *DOS Orchestra*, ICSOM's more-or-less weekly newsletter about professional orchestras, currently has more than 750 subscribers in 10 countries. *Orchestra-L*, ICSOM's Internet mailing list for professional orchestra musicians and related unionized professionals, has around 70 participants in more than 45 orchestras in 7 countries. Subjects discussed have included the economic impact of the arts, sound levels on stage, the absence of women from the Vienna Philharmonic, audition problems, bowings for Gilbert & Sullivan operettas, musician participation on boards, conducting standards, and breaking news from the Internet about orchestras.

To subscribe to *DOS Orchestra*, write to: dos@icsom.org
To subscribe to *Orchestra-L*, write to: orchestra-l@icsom.org

Pay now or pray later?

Many, if not most, ICSOM orchestras provide their musicians with long-term disability ("LTD") insurance as part of a partially contributory or non-contributory benefits package. Most musicians would bristle at the idea of paying all or part of the premium (or even the taxes on the premium) for such LTD insurance—especially since the odds are that few of them will ever take advantage of the benefits.

But think again. A recent *New York Times* article reminds us that, if the employer makes the entire premium payment for LTD insurance, the benefits for those employees who do need them will be fully taxable as ordinary income at a time when the employee will need every dollar. If, however, the employee pays all of the taxes on the premium, the benefits are then received tax-free. If the premiums are split between employer and employee, then the benefits are taxable only to the extent of the premium split, e.g. 50-50, then only 50% of the benefits are taxable.

Thus, according to the *Times* article:

"the cost is low for these group policies, about \$3 to \$3.50 a year for every \$1,000 of insured salary. For a person earning \$60,000 a year, the annual premium would come to around \$200," says Marjorie Rolan, Senior Vice President with People Management, Inc., a human resources consulting firm in New York. If the employee is single, the federal income tax would be about \$150.

But if the worker became disabled without having paid that tiny levy, the tax would loom large. If the employee receives a typical 60% of his base salary in disability benefits—rarely do the policies pay more than 50% or 60% of the base pay—that would bring in \$36,000. Taxes would gobble up about \$7,000 of that, leaving the worker with \$29,000.

Since most employers will have little reluctance in agreeing to let the employees pay the premium, or even the taxes on the premium, those orchestras concerned about this could probably make the changes during the term of the collective bargaining agreement without waiting for the next negotiation. But because of the nature of group policies, the entire group will have to agree to do it one way or the other (majority rules).

If you have any questions, check with your local insurance broker or legal counsel.

Leonard Leibowitz
ICSOM Counsel

1995-96 Preliminary Wage Chart of ICSOM Orchestras
 compiled by Stephanie Tretick

Orchestra	Weeks	Annual Minimum Salary	+Max Seniority (35-yr cap)	EMG	Pension	Average Services Weekly	Vacation Weeks	Relief Weeks
Atlanta	52	54,860	56,940	2,860	25,000	8	8	6 services for strings, 2nd wind/brass
Baltimore		IN NEGOTIATION						
Boston	52	74,360	78,780	none	42,500	8	10	1 of the 10 vacation weeks
Buffalo	32	23,623	24,743	1,417	13,680	8	0	none
Chicago Lyric	28	39,480	40,862	none	8.5% AFM-EP	7-8	14.5% of base	1 opera relief, principal and asst. principal
Chicago	52	75,920	83,226		43,000 7.5	8		2 plus 1 subscription & 2 summer programs
Cincinnati	53	61,750	63,870	2,650	22,000 AFM-EP	8	9	16 services for strings
Cleveland	52	71,760	80,080		36,000	8	9	1 of the 9 may be floating
Colorado	37	23,209	24,689	1,850	7% EP/DCP	8	4	7 personal services
Columbus	46	40,250	41,170	none	5-7% DCP	8	4	6 services personal leave
Dallas	52	54,340	56,420	5,720	23,040	8	8	12 string services
Detroit	46	62,677	64,517	2,000	24,000	8	2	8 services for strings and second winds
Florida Orch	37	24,605	26,085	185	6% AFM-EP	8	3	none
Florida Phil	40	30,262	31,062	none	6% AFM-EP	8	2	12 services strings, prin/2nd ww, 2dn brass
Grant Park		IN NEGOTIATION						
Hawaii	42	30,000	31,260		7% AFM-EP	8	3	none
Houston	52	58,890	60,190	3,640	25,000	8	9	none
Indianapolis	52	50,440	53,560	none	28,800	8	8.5	8 services strings, 1st and 2nd winds
Kennedy Center	26.5	28,459	30,058	none	7% AFM-EP		4%/pers. scale	none
Los Angeles	52	74,100	78,260	2,000	31,500	8	9	1 week strings, 2nd winds and horn
Louisville	40	22,296	22,916	1,560	500/yr EP/403(B)	8	4	7 services
Met Opera	52	70,512	70,512	none	50%	8	9	1 week
Milwaukee	44	44,880	46,272	none	24,960	8	5	2 of 5 floating + approximately 25 services
Minnesota	52	65,780	67,340	2,860	30,000	8	8.5	6 maximum (on seniority) + 7 strings
National	52	61,620	72,020		25,000	8	8	1 week +1 week for strings
New Jersey	31	23,596	24,216	775	7.75% AFM-EP	7	2	none
NYC Ballet	30	38,380	41,005	none	12% AFM-EP	6 perf	4	none
NYC Opera	29	30,305	32,625	none	10% AFM-EP	5	4	none
NY Philharmonic	52	76,960	82,584	none	43,500	8	9	1 of 9 vacation weeks
North Carolina	40	29,800	30,720	none	8% 403(B)	8	4	4 services personal leave
Oregon	43	32,300	32,300	563	8.5% AFM-EP	7	2.5	none
Philadelphia	52	74,360	80,080	6,000	37,500	8	10	1 of 10 vacation weeks + 4 pers. days
Phoenix		IN NEGOTIATION						
Pittsburgh	52	63,960	67,080		25,000	8	10	11th deferred service week possible
Rochester	42	34,650	35,574	none	5% DCP	8	4	none
St. Louis	52	60,840	64,740	none	28,000	8	9	1 of the 9 vacation weeks
St. Paul	36	44,754	46,054	1,200	'93 \$ 403(B)	8	3	1 relief week for all
San Antonio	39	26,130	27,690	none	5.5% AFM-EP	7	3	none
San Diego	37	30,525	32,745	1,655	7% private	8	2	1 vacation week is rotateable
SF Ballet	21	23,236	24,426	1,028	10% AFM-EP	6.5	11% of base	none
SF Opera	25	47,034	47,834	1,623	8.5% AFM-EP	6+reh	4	1 opera every other season for strings
SF Symphony	52	74,360	78,520	1,560	37,000	8	10	3 of 10 float + 1 week alt. seasons/violi/celli
Syracuse	37	21,917	22,321	1,287	0.4% private	7.5	4	none
Utah	52	36,556	38,116	1,040	8% EP/403(B)	8	9	none

1994–95 ICSOM Orchestra Recording Sessions
 compiled by Bradford D. Buckley

Wage Chart Notes	Orchestra	3 Hour	4 Hour	Location Hours	Total Hours
Atlanta: Seniority in addition to overscale.	Atlanta	2	5	0	26
Boston: At least 22 weeks are 5 day weeks.	Baltimore	7	0	0	21
Buffalo: Salary includes \$2,000 signing bonus.	Boston	8	2	0	32
Chicago Lyric: 403(b) option also available.	Buffalo	0	0	0	0
Chicago SO: Radio = 8.5% of scale * 39 weeks 95/96.	Chicago Lyric	2	0	0	6
Cleveland: Additional radio guarantee: 26 weeks at 6%.	Chicago	6	0	37	55
Detroit: Additional relief: 2 services per year per each 5 years seniority, up to 8 services per year. EMG includes radio.	Cincinnati	10	0	0	30
Florida Philharmonic: Salary includes annual "in residence adjustment" of \$700.	Cleveland	7	4	0	37
Kennedy Center: Season under 2 contracts: opera and ballet/musical.	Colorado	0	0	0	0
Los Angeles: Past retiree pension: \$103/106/110 per month times years cap in place when originally retired.	Columbus	0	0	0	0
Louisville: Pension = \$250 AFM-EP + \$250 match to 403(b)	Dallas	12	4	0	52
Metropolitan Opera: Rehearsal pay (not included in base) brings annual salary to approximately \$90,000	Detroit	2	6	30	60
Milwaukee: Pension = \$52/month per years/service; no max.	Florida Orch	0	0	0	0
NYC Opera: Base does not include rehearsal pay.	Florida Phil	0	0	0	0
New York Philharmonic: Salary includes \$20/week overscale for all musicians.	Grant Park	0	0	0	0
North Carolina: Salary + 4.5 optional summer weeks = \$33,150	Honolulu	0	0	0	0
Philadelphia: Pension 93-96 = additional \$5,000 after 31 years service. String bonus of \$20/week.	Houston	5	2	5	28
St. Paul: Pension payment \$ amount same as in 1993.	Indianapolis	0	0	0	0
SF Ballet: yearly contract guarantee = 105 performances + 102 rehearsals.	Kennedy Center	0	0	0	0
SF Opera: Vacation is in addition to 25 season weeks.	Los Angeles	8	5	28	72
Syracuse: Pension is 0.4% of salary per year of service.	Louisville	1	0	3	6
	Met Opera	16	0	0	48
	Milwaukee	0	0	0	0
	Minnesota	0	0	0	0
	National	0	0	0	0
	New Jersey	0	0	0	0
	NYC Ballet	0	0	0	0
	NYC Opera	0	0	0	0
	NY Philharmonic	3	1	33	46
	North Carolina	0	0	0	0
	Oregon	2	0	6	12
	Philadelphia	14	0	0	42
	Phoenix	0	0	0	0
	Pittsburgh	0	0	0	0
	Rochester	1	0	0	3
	St. Louis	1	6	0	27
	St. Paul	0	5	0	20
	San Antonio	0	0	3.5	3.5
	San Diego	0	0	0	0
	SF Ballet	0	0	0	0
	SF Opera	10	0	30	60
	SF Symphony	3	3	0	21
	Syracuse	0	0	0	0
	Utah	0	0	0	0
	Totals	120	43	175.5	707.5

Handy Hints, Volume III

The cards and letters have been coming in. Several colleagues have responded to the request for Handy Hints with contributions that show (yet again!) how inventive and thoughtful our membership is.

Walter Maddox of the Detroit Symphony was the first to write:

“for the past thirty-four years I have used the following treatment on my violin fingerboard: I bought a can of SIMONIZ PasteWax for cars back in 1960 (still have it!). After cleaning the fingerboard with alcohol...I apply a thin coating of SIMONIZ to the top 2”-3” of the fingerboard, let dry about a minute, then wipe off. Rosin will not stick to this area for about 2 months, then redo. Any good paste wax will do (Johnson’s Floor Wax, etc.)”

Walter’s 1960’s SIMONIZ was from the days when pure Carnuba Oil was used in those products. Nowadays we all have to be careful label readers—about everything. After getting Walter’s card I researched a faint memory and found a colleague who says he did once Simoniz his whole violin (!) There were no bad effects, but he hasn’t ever done it again.

David Sternbach (you have probably seen his excellent articles on stress reduction in the *International Musician*) offered a nostalgic guide to keeping gut bass strings moist: “at that time [the early 1950’s] we played on gut strings, even down to the A string, and to preserve them he [Sam Suzowski] recommended clipping off the loose ends and (ready for this?) applying mutton tallow to smooth out and preserve the string.”

David recalls that there was more to the mutton tallow than meets the touch: “and you talked about checking the odor of the stuff you were applying! Mutton tallow was definitely an acquired taste—but it did the job.”

David remembers those old times—and his old teacher—fondly: “I loved the tone quality of gut strings: softer, a warmer, richer quality that truly brought out the good woodiness of a fine instrument...a beautiful personal tone color that was so expressive of this kindly man.”

Another recollection about keeping gut strings moist (they really do tend to dry out!) came from David Budd, cellist and unofficial Resident Musicologist with the San Francisco Opera Orchestra, who recalls that an early teacher advised stroking the strings lightly with a Brazil nut.

Now let’s move from strings to mutes. Martin Anderson, a member of the viola section of the New Jersey Symphony, has invented a process that makes an important musical contribution: “are you ever

annoyed (as I often am) by the noise of mutes being put on or taken off by string players? And especially during a GP, involving forty musicians? And especially those rubber mutes that make the BIG squeak?... I have found an answer. Merely rub a little paraffin or candle wax (not beeswax) on a string wrapping between the bridge and the tailpiece of your instrument. Then take the offending mute and place it on that winding in the same way you would put it on the bridge. Do this several times to rub the wax into the contact surfaces of the mute. Now try putting the mute, *con sordino*, on the bridge. Voilà, no more squeak!” (this is not a voilà joke—ED.)

This next one is mainly for violinists and violists, but the general principle probably carries over into uses not yet imagined: are you ever worried that some part of your shoulder pad might touch and scratch the body of your instrument? Maria Carbone of the California Symphony puts *Dr. Scholl’s* (unmedicated!) pads on her shoulder pad for protection.

Almost everyone knows about using surgical tubing on the feet of Resonans and Kun shoulder pads. The sturdy and dangerous adjustment wire on the back of some models of *Willy Wolf* pads should also be covered. Surgical tubing or the firm plastic tubing that model airplane hobbyists use as fuel lines work very well for this.

The final two contributions that I will list are important. They have to do with making our work easier and safer by adjusting the ergonomics of the instrument.

Ruth Lane of the San Francisco Opera Orchestra now uses a cello with no outjutting C string peg (it uses a tuning key instead). She says, “the first time I saw a cello set-up like this, I thought it looked weird. But I decided to try it—and suddenly realized that I was able to sit straight while holding the cello, without tilting my head, for the first time in my life!”

And John Zorn, Bay Area clarinetist and enterprising editor of *Arts Reach* newsletter, has brought to my attention his new adjustable clarinet thumb rest made by Charles Bay (the contribution is welcome for two reasons: it’s ergonomically important, and it’s from a non-string player. This column is meant to be for everyone.)

Please keep sharing your professional ingenuities, especially the ones that make playing safer for working musicians. If you have devised, deployed, developed or daydreamed any Handy Hints, please let me (and all of us) know about them. All of us Old Pros want to hear from one another. (And remember, you don’t have to be old to be an old pro!)

I hope to be hearing from you. Just write to Tom Heimberg, 1656 Ocean View Avenue, Kensington, CA 94707.

Tom Heimberg is a member of the San Francisco Opera Orchestra.

“Input is futile: prepared to be ignored”

An editorial in the shape of a parable

Musicians' satisfaction with their jobs, or lack thereof, has been the topic of some serious press attention recently. Much of this stems from a recent article by Bernard Holland in the *New York Times* on the recently-concluded New York Philharmonic contract negotiations. As have many other observers, Holland makes a tentative connection between increased musician involvement in the affairs of the orchestral institution and musician happiness. But will involvement in decision-making end, or at least thaw, the winter of our discontent with our jobs? Consider the following parable.

A member of an orchestra (say the principal violist) is asked to serve on a committee evaluating a new computer system for the orchestra's offices. During a series of meetings, the musician, who has an extensive background in the subject, raises some questions about the staff's proposal to upgrade its computer network. Despite the musician coming up with a proposal that would save some money and also enable management to redeploy a staff support person to more productive pursuits than network tweaking, and despite having his recommendation validated by some expert opinions, the staff's original proposal is enacted. Not only is money wasted, but the staff is stuck with a computer network that wastes their time and energy. Now what is wrong with this picture?

The answer is, “nothing.”

Turn the situation around for a minute. Imagine that the orchestra's finance director also happen to be, for example, a very competent amateur violist (no viola jokes, please). Imagine also that this violist-CPA comes back stage and, in the presence of much of the viola section, suggests to the principal violist that the opening of, say, the slow movement of the Beethoven fifth symphony would work much better on a down bow rather than the up bow marked by the principal. What would be the principal's reaction and why?

Well, if I were the principal in question, I suspect I'd be rather upset. Regardless of whether the finance director was right or not (and most violists would prefer the down bow, by the way), the finance director is not responsible for viola bowings. If the conductor doesn't like the finance director's bowings, the principal violist, not the finance director, will incur the wrath of the godlike one. Moreover, one of the few joys of being a principal violist, a small level of autonomy in artistic matters, will have been infringed, and that employee's enthusiasm and performance compromised as a result.

Now turn this situation around again. Whose performance ratings get tanked if the principal violist's computer recommendations turn out to produce a system of twenty desktop lemons networked to five printing turkeys? Almost certainly not the principal violist's (he's in enough trouble over the bowings already). Moreover, one of the few joys of being an orchestra finance director, a small level of autonomy in deciding how to run her department, will have been seriously compromised, as will her interest and enthusiasm.

This is the real problem with most of the experiments in musician involvement in institutional decision-making. Musicians are put on committees to deal with matters for which they have no responsibility (and often little knowledge), while in the one area they do know, music-making, they are allowed no say. Advanced programs of worker involvement in industry give workers considerable control and autonomy in terms of the production process. On some assembly lines, any worker can stop the line to fix a quality problem. What is the equivalent in our business of stopping the line? Certainly not having the worker sit on a marketing committee. Stopping the line on the orchestra plant floor is a musician standing up in the middle of a run-through of a Beethoven slow movement and saying to the conductor, “Kurt, could we do letter ‘A’ again? There was a pitch problem in the winds. Perhaps you could tune the thirds in the clarinets and bassoons.” Likely to meet with favor from Kurt? Likely to be encouraged by managements and boards? Likely to get the musician fired for insubordination? Now you're getting warm.

Musician involvement in the affairs of the institution is no substitute for real involvement in the production process, which is the only kind of worker involvement that has ever resulted in anything positive. It puts musicians who serve on such committees at risk of being viewed as ignorant and naïve by the board and staff on those committees, even if they're not, while often resulting in considerable frustration for the musicians themselves. It is also not a joy for the staff members who report to such committees, who now have one more check on their autonomy and one more group of people to educate. Is this really an improvement over the current situation?

Orchestras as institutions don't suffer from too few people making decisions. The exact opposite is true; successful orchestras are *invariably* those with competent and strong executive directors who lead their boards and control their music directors. Leaders need to be held accountable for the success or failure of what they lead, and that means they need real autonomy and authority to get things done, not just “responsibility.” Orchestras where there are multiple power centers contending for mastery are orchestras that are failing or going to fail, because all that gets done is the shifting of blame from one party to the next in an ugly game of hot potato.

This is not to say that for musicians to serve on boards or board committees is totally without merit. Certainly anything the musicians can learn about how their institutions operate is all to the good, especially if the musicians are able to see through the agendas with which the information is often presented to them. The fact that board members and musicians can interact in such committees can lead to both musicians and board members coming to recognize the “other side” as human, certainly a welcome and desirable outcome. Such interaction can also diminish the chokehold that staffs often maintain, whether deliberately or not, on the flow of information within the institution.

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Newslets*continued from page 10*

purpose. Contributions to Local 802's fund, which are fully tax-deductible, should be made payable to "The Council for Living Music / Instrument Fund," and sent to:

Mary Landolfi
Financial Vice-President
Local 802
322 West 48th Street
New York NY 10036



Liza Hirsch Du Brul has accepted the position of San Diego District Director to Representative Bob Filner (D-CA). Du Brul is well-known to ICSOM delegates from her work as ICSOM co-counsel from 1983-90, and is also known to many ICSOM orchestras from having served as their negotiating counsel. Most recently she led a panel at the 1995 ICSOM conference on "Negotiating in the '90s."

In addition to having negotiated contracts for some of the largest ICSOM orchestras, she has been negotiating counsel in some of the most difficult orchestral labor negotiations of the past several years, including Milwaukee, Louisville, and the current situation in San Diego.

In her new position she will act as San Diego chief of staff to Filner, the only Democratic congressman west of Phoenix and south of Los Angeles, and supervise the ten-person staff of his San Diego office.

In a letter to her clients announcing her new position, Du Brul, who is fluent in Spanish, said that it "gives me a chance to use my bilingualism and to weigh in on more and broader issues as we hurl toward the millennium fighting threats against not only collective bargaining, but also many other basic rights and needs pertaining to all of us on the proverbial uphill side which cannot always be addressed within the musicians' union or the labor community in general." She also cited family concerns.

She will continue to represent the Regional Orchestra Players' Association and the musicians of the Louisville Orchestra with the permission of the Counsel to the House Ethics Committee.

As a friend who worked with her for many months on the difficult labor negotiations in Milwaukee from 1992 to 1994, this writer can only reiterate his praise for her brilliance and tenacity. Mazel tov, Liza—may your absence from our trenches not be a permanent one.

Editorial*continued from page 8*

Unfortunately, there are hazards in serving on boards and committees as well, and not just the dangers that orchestra traditionalists delight in highlighting ("committee shopping," bypassing the bargaining committee, *Electromation* and the like). The natural setting for an orchestral musician is not a boardroom, after all, whereas many board members spend their entire working lives in business meetings. Imagine your reaction to the average board member showing up with an instrument to play in your section, and you will see how some board members, at least, are likely to regard you when you're on their turf. Now imagine the board member making a wrong entrance, and you will begin to understand how the odd *faux faux* by a musician serving on a board committee can serve to diminish the respect that board members have for musicians—probably not the result intended or desired by those musicians.

No one should forget that the "American" model of the orchestral institution—a board of community volunteers who raise money and hire professional leadership, a professional staff of experts in their various functions, and an orchestra of musicians employed full-time to provide the community with musical services—has given this country most of the world's greatest (and best-attended) orchestras. This is an achievement that would have seemed unimaginable 50 years ago, and one in which all the participants in the American orchestra business can take pride. Would that we all did. If the Munich Imbibers and the Berlin Bombers each had won four of the last eight Super Bowls (a similarly "unimaginable" achievement), would the Deutschland Football Bund be publishing tracts such as *Germanizing the German Football Team* and recommending that football players sit on owner's boards? More likely they'd be electing Brett Färf and Emitt Schmidt presidents-for-life.

I am profoundly thankful that at least some ICSOM orchestras—mine included, at long last—have competent staffs that know more about managing, marketing, and fundraising than I do. But if your orchestra is not among that favored few and you're serving on a board committee where you really know more than the board members or staff about the subject in question, let's face it—your institution is in deep doo-doo. If they knew what they were doing, they wouldn't need you there, they wouldn't want you there, and you wouldn't want to be there either.

Besides, you've probably got your hands full serving on the dismissal committee for that poor schlemiel who stood up and tried to tell your music director how to rehearse.

Robert Levine

Responses to this editorial are not only welcomed, but are in serious danger of being published.

Newslets

The **Symphony Orchestra Institute** has published the first issue of its magazine *Harmony*. The Institute's founder, Paul Judy, contributed a piece on "The Uniqueness and Commonality of American Symphony Orchestra Institutions," while Erin V. Lehmann, a research coordinator in the Department of Psychology at Harvard University, did a survey of the research literature on symphony orchestras since 1960.

The Institute has informed *Senza Sordino* that it would be pleased to mail to any ICSOM member a complimentary copy of *Harmony* upon that member's request. This request can be made by sending your name, the name of your orchestra, and your mailing address to the Institute in one of the following ways: by fax to 708-446-5760; by letter to P.O.Box 67, Deerfield IL 60015; or by email to symphonyoi@aol.com. As the Institute sent multiple copies to the managements of most of the ICSOM orchestras, you might ask your management if they have any spare copies before writing to the Institute. The Institute has also provided the editor of *Senza Sordino* with one additional copy per ICSOM orchestra, which will be mailed to your orchestra's ICSOM delegate with this issue.



Two musicians with the New York Philharmonic who won a landmark tax case against the **Internal Revenue Service** won an appeal of that decision by the IRS to a Federal appeals court.

The original decision, handed down in August 1994, restored the deduction that Richard and Fiona Simon claimed regarding their two Tourte bows. The 2-1 decision by the U.S. Court of Appeals for the Second Circuit was handed down on October 13. It leaves the IRS with the options of appealing to the Supreme Court or trying to have the law changed by Congress.

Judge Ralph K. Winter, writing for the majority, found that the bows were tangible business property of a "character subject to the allowance for depreciation." He rejected the IRS's key argument that the phrase required a showing by taxpayers that the property in question has a "determinable useful life" as was required by tax regulations prior to 1981. In examining the legislative history of the Economic Recovery Tax Act of 1981, Winter concluded that "when a coherent regulatory system has been repudiated by statute, as this one has, it is inappropriate to use a judicial shoehorn to retain an isolated element of the now-dismantled regulation." He also wrote that, if the ruling gives "favorable treatment to past investment decisions that some regard as wasteful, such as a law firm's purchase of expensive antique desks," it was nonetheless "not our function to draw subjective lines between the wasteful and the productive."

Some of the Simon's ongoing legal expenses have been underwritten by AFM Local 802 and ICSOM, which is continuing to encourage its members to contribute to a fund set up by Local 802 for this

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Death and Transfiguration The Rebirth of the Honolulu Symphony

Musicians of the last two professional orchestras in Hawaii have returned to work as of December 27, 1995 as the Honolulu Symphony Orchestra once again. The musicians had been laid off except for some per-service work for *Nutcracker* and *Messiah* since mid-September. A contract for the remainder of the 1995-96 season and the 1996-97 season was completed with the Hawaii Symphony Orchestra board. After those negotiations were completed the Hawaii Symphony Orchestra board stepped out of the way to let the Honolulu Symphony Society produce the remainder of the already set-up 95-96 season. The two boards will consolidate into the Honolulu Symphony Society over an as-yet undetermined period of time.

The Hawaii Symphony Orchestra, which was founded after the Honolulu Symphony Society fired all of its musicians in the spring of 1994, never really solidified itself as an institution. From the beginning, everything needed to go right for the new orchestra to survive. Things rarely went right, and the musicians have paid dearly. The State of Hawaii pulled almost \$1 million in funding, and the City and County of Honolulu pulled \$75,000 in funding for the 95-96 season. Some questionable management buried the orchestra even further. The board was unable to raise money, partially because of their internal problems, and partially because community leaders took a "wait and see" attitude and refused to have anything to do with the new orchestra as long as both the Honolulu Symphony Society and the Hawaii Symphony Orchestra existed. All this brings the orchestra to where it is today, which is virtually starting over.

The contract for the next two years reflects the reality of the situation: Year 1: 10 weeks; 4 more weeks contingent on the opening of the Hawaii Theater (a newly renovated theater in Honolulu). Three of the contingent weeks will be paid at a six-services-per-week prorated salary, instead of the usual eight services per week.

Year 2: 18 weeks. Neither year includes opera, which is negotiated directly with the Hawaii Opera Theater (they have sub-contracted the orchestra from the Symphony Society in the past).

The weeks in both years will be non-consecutive, although best efforts will be made to make them as consecutive as possible (this is

partially due to venue availability, which has been a continuing problem for the orchestra for years).

Base pay remains at \$714.30 per week in both years of the contract. The full time contingent of musicians remains at 62. There will be a reduction of guaranteed number of services for part-time musicians from 60 to 50 for the first year only.

Also included with the basics above: musicians will have equal say in the process of hiring an executive director and music director (these positions will be filled by the beginning of the 1996-97 season.) A minimum of ten members of the Hawaii Symphony Orchestra board of directors will be asked to serve on the Honolulu Symphony Society board of directors. For the first year of the contract a work week will be defined as seven consecutive days beginning on Wednesday (this could affect unemployment, especially considering the non-consecutive week possibilities in the season). In the second year the work week is defined as beginning on Sunday.

The contract with the Hawaii Opera Theater (HOT) is for one year only and covers an actual six weeks of work (we have done between 8-10 weeks of work for the opera the past two years, but their funding was cut severely by the state and they ran a deficit last year). It is based on a contract that the Musicians' Association of Hawaii, Local #677 AFM had with HOT in 1994 (during the time the musicians were between being fired by the Honolulu Symphony Society and starting up the Hawaii Symphony Orchestra). The opera board

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Death and Transfiguration

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made a decision not to sub-contract from the symphony society and negotiate their own collective bargaining agreement with Local #677.

The size of the orchestra once again came under attack in these negotiations, but settlement was reached at 62 musicians in the full-time opera core orchestra. Any extra musicians will be hired for a minimum of one week (and paid at least the weekly minimum) and any services after that week are paid at the per-service minimum. Minimum salary is \$714.30 per week and all personal or contractual overscales paid by the Honolulu Symphony Society will also be paid by the opera. The opera will cover all insurance costs during the time we work for the opera —same as the contract with the Honolulu Symphony Society. Sick leave is at 2 days for the 6 week contract, while paid personal leave is at 1 day. Unpaid audition leave is 10 days.

Still to be dealt with is the issue of the back pay owed the musicians by the Hawaii Symphony Orchestra (this amounts to a minimum of \$16,000 per full-time musician), over \$100,000 in pension payments owed to the AFM-EP, and approximately \$250,000 owed to various governmental agencies for payroll taxes withheld but never forwarded to the appropriate agencies by management. The Honolulu Symphony Society has said they will assume no debts of the Hawaii Symphony Orchestra.

The Hawaii Symphony board is in a very poor position to raise any money to cover any of these obligations, and unfortunately the IRS has first say on any assets available to make these payments. The pension payment falls under federal pension law, but it is unclear what kind of enforcement of those laws would occur if the organization dissolved or filed for bankruptcy. The musicians have little hope that all of our back pay will be forthcoming, but we are still working on getting some of it.

Needless to say this is not a good contract for the musicians, but it is the best possible agreement available. We are essentially starting over with the institutional memory in many areas of the management virtually gone. It was clear that if the orchestra did not start with the services on December 27, 1995 that the orchestra would not start up again for a long time. The solidarity of the orchestra is still strong. The musicians are still taking care of each other. A lot of hope is being placed in Michael Tiknis' presence as interim executive director. A lot of businesses have stepped forward already to support the Honolulu Symphony—businesses that had not previously supported the Hawaii Symphony Orchestra. The opening sets of concerts have been well attended and received, and the first payroll was on time after some significant fundraising by the board.

The negotiating committee consisted of Ann Lillya, Scott Janusch, Duane White, Mel Whitney, Steve Dinion (Chair) and Milton Carter (President, Local #677). The musicians owe a great deal of thanks to the Musician's Association of Hawaii, president Milton Carter

and Local #677 board member and presidential assistant Michael Largarticha, and Local #677 staff. Their support has been steadfast and true throughout all of our struggles. Special thanks also are owed Lew Waldeck, Lenny Leibowitz, Fred Zenone, ICSOM leadership and all of the ICSOM orchestras that sent money and words of support and encouragement.

MARK SCHUBERT

Schubert is ICSOM delegate for the Honolulu Symphony.

In Memoriam Henry Loew

The music world suffered a great loss when Henry Loew passed away of a blood disorder on March 10, 1996 at the age of 74.

He was the principal bassist of the St. Louis Symphony for 42 years, an orchestra activist, the orchestra's personnel manager from 1966-77, and a fine teacher and mentor to countless players.

A native of New York's Lower East Side and son of immigrant parents, he first learned to play the harmonica and then the accordion. During high school he won a competition that allowed him to study with Anselme Fortier, the principal bassist of the New York Philharmonic.

In 1941 he enlisted in the Army Air Forces and served as a radio and radar operator in the North African and Italian campaigns. After the war, he played bass with the Seattle, National and Indianapolis orchestras before going to St. Louis.

Henry was involved in forming the first orchestra committee in St. Louis, which appears to have been one of the first in the country. One of the tasks that committee undertook was to send out a survey to seven other orchestras to gather comparative information about salary, pension, and working conditions. Although today this is a common practice, at the time he was severely criticized for doing so by both management and the union. He attended the first ICSOM conference at his own expense.

After he became the SLSO's personnel manager he was a founding member of the Orchestra Personnel Managers' Conference. In 1994, when this group met in St. Louis, it bestowed a special honor on him.

He is survived by his wife Mildred N. Loew, two daughters, Danella Lubar of Petaluma (CA) and Rebecca Loew of Grinnell (IA); a sister, Estelle Haas of Florida, and two grandchildren.

*Carolyn Buckley
St. Louis Symphony*

Phono Negotiations Concluded

The negotiations for a new national recording contract were prolonged and very difficult. Unlike past negotiations, the industry presented an extensive list of changes to the symphonic provisions of the agreement. Many of their proposed changes, such as service conversion and eliminating the 2-hour minimum call paid to all the members of an orchestra, were clearly unacceptable.

The industry strategy became obvious when they announced that they would not discuss other sections of the contract until an agreement had been reached over the symphonic section. Clearly they were attempting to pressure us into concessions by holding the rest of the agreement and the Music Performance Trust Funds hostage to symphonic concessions.

The industry's attempt to split the union became ludicrous when they announced that, since we would not agree to their onerous proposals, they would withdraw them with the proviso that any wage increase negotiated for the rest of the industry would not apply to symphonic musicians. I am happy to say that AFM president Steve Young told the industry in no uncertain terms that any negotiated wage increases would indeed apply to all members of the union.

After some difficult sessions (and one set of negotiations cancelled because of the Blizzard of '96) we finally reached an agreement. President Young and AFM counsel George Cohen did a terrific job for us in a difficult situation.

Thanks also are due to the ICSOM media committee—Dave Angus (Rochester), Don Koss (Chicago Symphony), Robert Levine (Milwaukee), Mary Plaine (Baltimore), Warren Powell (Florida Orchestra), Larry Wechsler (Metropolitan Opera), and ICSOM counsel Len Leibowitz—for their efforts.

Brad Buckley
Chair, ICSOM

SUMMARY OF CHANGES TO THE PHONOGRAPH RECORD LABOR AGREEMENT (SYMPHONIC)

(Three year agreement; subject to ratification)

In addition to changes applicable to commercial recordings:

Wages

3% increase the first year, 3% the second year and 2% the third year. In addition, there will be an increase in the industry's contribution to the Special Payments Fund in the third year of the agreement. This should increase royalties paid to musicians who make recordings.

Location Recordings

- Provides for 2 hour patch session within 14 days of the original location recording.
- Provisions of patch session will conform to A/V

agreement which allows Company 10 minutes to advise musicians whether patch session shall take place and proposed length of that session.

Material not Previously Performed

Permits material not previously performed in concert to be recorded in studio session.

Rehearsal Sessions

Permits one rehearsal session (to rehearse music not previously performed in concert) at applicable locally negotiated rehearsal or service rate plus additional 50% of such rate, and prohibits rehearsal from taking place on regularly scheduled day off.

Solo Cadenzas

Includes location recordings in provision granting right for no additional payment to be due to the full orchestra when re-recording solo cadenzas outside of session time. *(Note: musician(s) performing the solo cadenza is/are paid.)*

Chamber music

- Amend definition of a chamber group to include 16 musicians not playing multiple parts.
- Permits the use of the name of the symphony orchestra if musicians recording chamber music are compensated in accordance with the symphonic provisions. *(Note: previously, the name of the symphony could not be used unless the recorded music was performed by no more than 9 players not playing multiple parts.)*

Electronic Press Kit

Similar to Non-Symphonic except that the Company may not use a complete movement, ballet or composition or any product in excess of 3 minutes of such. *(Note: failure to comply with the restrictions set forth will result in full payment plus a penalty equal to 50% of such payments.)*

Librarians

Adds a new sentence which provides that any covered librarian required to attend a recording session shall be paid at the side musician's rate.

Microphone Balancing

Permits microphone balancing at the last performance or the last rehearsal for that performance, provided that the musical services are not being directed by the recording company or recording engineer.

Health & Welfare Contributions

Provides for coverage for extra musicians, librarians, and any musician not covered by an applicable orchestra health and welfare plan.

Newslets

Representative managers of ASOL (the American Symphony Orchestra League) and representatives of the AFM (American Federation of Musicians), ICSOM (International Conference of Symphony and Opera Musicians) and ROPA (Regional Orchestra Players' Association) met on December 18, 1996 in Las Vegas.

After lengthy and frank discussion, the group recognized that it was in the interests of the field to encourage and foster studies of the long-term future of the orchestral institution. Based on its meeting, the group believes that it should meet again this winter with the assistance of a facilitator.



The Symphony Orchestra Institute announced on April 9 that John Breda and Arthur Brooks will receive the Institute's first Doctoral Fellowship Awards. Each award is in the amount of \$10,000.

John Breda is a fourth-year student at the University of Massachusetts Medical School. Over the coming months, he intends to collect and analyze comparative data about the psychological stress which symphony orchestra musicians experience in their work. He will use data stratification to complete a comparative analysis across various groups within the symphony orchestra. He also intends to compare data from other professions gathered through surveys and existing control-group samples with the information collected from symphony orchestra musicians. The study is designed to learn more

about the interaction between symphony orchestra musicians and their workplaces.

Breda was bass/utility clarinetist with the Oregon Symphony from 1982 to 1989. He then turned his attention to medicine and worked in medical research at Harvard University from 1989 to 1991. He was the 1992 recipient of the Betty Lea Stone American Cancer Society research fellowship. He anticipates receiving a Doctor of Medicine degree in June 1996.

Breda will carry out his research under the guidance of Dr. Leonard A. Doerfler, Ph.D., adjunct associate professor of psychiatry at the University of Massachusetts Medical Center in Worcester (MA). The study will also be reviewed by the Human Research Committee at the University of Massachusetts Medical Center regarding ethical and privacy concerns.

Arthur Brooks is a doctoral student in economics at Cornell University. He intends to complete an empirical study of his previous theoretical work on the demand side of "Baumol's cost disease"—a phenomenon which afflicts symphony orchestra organizations through the tendency of costs to rise faster than revenues.

Mr. Brooks holds economics degrees from Thomas Edison State College in New Jersey and Florida Atlantic University. He is a hornist who has played professionally with various ensembles, including the Annapolis Brass.

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New ICSOM Leadership Unveiled in Vail Buckley Ends Eight Years At Helm

The 1996 ICSOM Conference, held August 21-24 in Vail, Colorado, saw the end of a dynamic era in ICSOM history. Bradford Buckley, ICSOM chairperson for the last eight years, retired from that post at the conference, passing the torch to Robert Levine, a member of the Milwaukee Symphony and for the last three years editor of *Senza Sordino*.

Brad has become known for his feisty, assertive style in defense of musicians, but his final conference as chairperson was characterized not by a sword, but by an olive branch. The conference keynote address was delivered by Paul Judy, founder and chairman of the Symphony Orchestra Institute, an organization formed to "improve the effectiveness of symphony orchestra organizations, to enhance the value they provide to their communities, and to help assure the preservation of such organizations as unique and valuable cultural institutions." Mr. Judy expressed his concern for the apparent dysfunction in today's orchestras and described structures, methods of revenue production, and personnel management that characterize various forms of business enterprises. He emphasized the need for musicians and managements to explore together new ideas for cooperative relationships that utilize the full potential of each person in the symphony organization. (Mr. Judy's address follows on page 2.)

A panel discussion on "Advantages and Disadvantages of Cooperating with Employers" explored the practical application of Mr. Judy's premise. Musicians on the panel were from orchestras in Colorado, New Jersey, Minnesota, and Cincinnati, orchestras already experimenting with various levels of musician involvement in organizational operations and decision-making. All participants agreed that cooperation is better than confrontation, if achievable without compromising the musicians' integrity, but the requisite elements of mutual trust, respect, open communication, and balance of power frequently remain elusive.

ICSOM counsel Leonard Leibowitz discussed the issue of job security, in particular, the enforcement of contract provisions controlling the discharge of musicians, whether for "just cause" or for

artistic inadequacy. Using several cases of termination of employment that went to arbitration, Mr. Leibowitz demonstrated how provisions of the collective bargaining agreement can be invoked to protect a musician from being fired for arbitrary or inadequately substantiated reasons.

Good news was reported to the conference concerning the recently negotiated Phonograph Recording Agreement, the availability of MPTF funding for orchestra radio broadcasts, and the successful tax appeal of two musicians who sought to depreciate the cost of musical equipment.

Bad news was, however, unavoidable. A panel on "How Orchestras are Dealing with Trouble" painted a picture of despair in orchestras like San Diego, Honolulu, San Antonio, and Louisville, where musicians are fighting battles of finances, apathy, union strife, artistic confusion, and public misunderstanding. Although there is hope for successful outcomes in these orchestras, much remains to be done in educating and inspiring boards, musicians, unions, management, and the public before health can be restored.

Getting timely and accurate information to the public during times of trouble was the subject of a very informative and entertaining presentation by Barbara Haig, a media consultant who has

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Chairperson Bradford Buckley



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helped the Milwaukee Symphony musicians during two labor negotiations. She led a lively session on public relations techniques for musicians who are trying to get their message out in today's media, emphasizing the value of media packets and fact sheets, speaking in sound bites and quotable quotes, smiling for the camera, getting to know the reporter, and telling the truth.

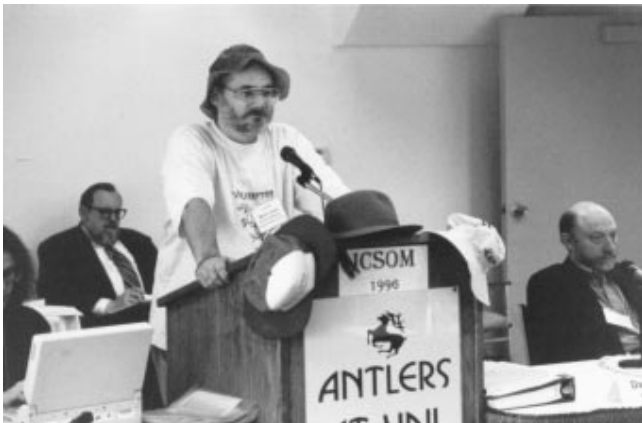
The final guest speaker of the conference was Nancy Meier, Executive Director of Arts and Business Council, Inc., who warned that the motivations and expectations of corporate donors to the arts are changing dramatically. Altruism and community service as motivators for giving are being replaced by corporate image and mutual benefit concerns. Applicants for funding must now demonstrate an ability to enhance the funder's image and bottom line as well as serve the public. Also, funders are increasingly looking at an organization's fiscal responsibility, not just its artistic responsibility, as an indicator of worthiness for funding.

ICSOM's duty is to orchestra musicians, supporting, protecting and developing their security and satisfaction as employees and as artists. But even as we have fought to protect the jobs of symphony musicians, we have been equally committed to finding ways to stop the assault on orchestra organizations – on their finances, on their artistic goals, on their place of value and respect in their communities. Under new chairperson Robert Levine, ICSOM will continue to pursue these objectives in service to orchestra musicians and the cultural institutions upon which they and society depend.

Marsha Schweitzer

Chairperson Robert Levine

revealing his destiny as a wearer of many hats.



Robert Levine is Principal Viola with the Milwaukee Symphony Orchestra. Prior to joining the MSO, he was a member of the Orford String Quartet, quartet in residence at the University of Toronto, and Principal Viola of the Saint Paul Chamber Orchestra. He has also played with the San Francisco Symphony, the Oklahoma Symphony, the San Jose Symphony, and the London Symphony of Canada. He has served as chair of the orchestra committee in both Saint Paul and Milwaukee and was editor of *Senza Sordino* from 1993 to 1996. He also edits *DOS Orchestra*, ICSOM's electronic newsletter about professional orchestras.

1996 Conference Keynote Address:

Paul Judy, founder and chairman of the Symphony Orchestra Institute, was the keynote speaker at the 1996 ICSOM Conference. The following is an abridgement of his address. Mr. Judy is a Life Trustee and former President of the Chicago Symphony Orchestra and a retired investment firm executive.

Symphony Orchestra Organizations: Employees, Constituencies, and Communities

In for-profit organizations, there are three main groupings of economic interest – customers, employees, and owners. It has been increasingly recognized that in a free-market society the customer is king and must be served, with steady improvements over time, or the economic viability of the serving organization will weaken and may fail. Employees, through organizational process, provide products and services to customers in a competitive market, and together contribute to the maintenance, advancement, or diminishment of their organization's viability. Owners provide directly, or by credit, the material resources which support the employee effort, in the hope of economic return. Many for-profit corporations encourage employees to become customer-oriented and also to become and/or think like owners.

If the resources provided by owners are inadequate given the scope of the organization, and/or the efficiency of the organization is poor, its economic viability is threatened, creditors may not be paid, capital will likely be lost, and employees will be without jobs and economic sustenance. If the capital provided is adequate to organizational scope, and efficiency is good, the enterprise will be sustained, owners will likely realize a return, and employment will be maintained. If the return is high, capital will be abundant and the enterprise can grow; employees will be able to receive more benefits and employment will be assured if not expanded.

Now what does all this have to do with symphony orchestra organizations? How do we develop a similar framework for thinking about the economic viability of this unique form of nonprofit cultural enterprise?

First, the customer aspect of a symphony orchestra organization looks very similar to that of a commercial organization, at least with respect to customers who buy tickets to concerts. But I know of no symphony orchestra since that of Theodore Thomas (before its conversion into the Chicago Symphony Orchestra) that has depended singularly on concert revenues and fees for its economic viability.

I have spent many hours penciling in various scenarios which might result in a self-financing orchestra and each effort has failed. Although we should stay alert to future possibilities, almost everyone has come to the conclusion, which I share, that free-market customer revenues will not sustain a symphony orchestra organization.

So we have to come up with some source of revenue to fill the gap. In America, like it or not, government is not a source for such funds, and politics being what they are, government funding is not

very reliable and has had strings attached even when it was more fashionable. Thank goodness, however, that in America we do have another kind of customer to whom we can turn – the philanthropic customer or charitable contributor – be that an individual or a private institution. And, again thank goodness, the philanthropic market in most communities is broad and deep.

Like all customers, however, the charitable contributor expects to be served and to receive value, directly or on behalf of others. He, she, or it has a wide variety of opportunities to give away money. And quite often, the individual charitable contributor, or the representative of an institutional contributor, is also a regular paying customer. In fact, in many cases, more than 50 percent of subscribers provide more than 50 percent of contributed income.

The symphony orchestra organization is therefore often being evaluated in many dimensions by a mix of people who make up its constituency – regular customers and charitable contributors. These dimensions include artistry, musical inspiration, educational service, physical appearance, customer friendliness and comportment, economic efficiency, and service to the community, just to name a few.

The economic framework for a symphony orchestra organization becomes more complex with the question: Who are the owners? Are they the directors or trustees? The largest contributors? The musicians? Management? In observing the way some symphony orchestra organizations operate, one might well conclude that one of these alternatives applies, albeit differently in each case.

To me, however, it is clear that the local community – the collective of individuals, families, and institutions directly affected – is the principal beneficiary of a central professional symphony orchestra organization. It is the community which has the principal beneficial interest in the existence and vitality of such an organization. The board holds the organization in fiduciary trust for the benefit of the community and oversees the organization's development in serving and creating value within the community in ways which earn the satisfaction and merit the support of an informed constituency. If through this process the organization succeeds, it is the community which principally benefits. If the organization fails, the community suffers a great loss.

So in contrast to for-profit organizations, employees of symphony orchestra organizations better assure their own economic viability by serving and expanding the base of constituents supporting their organizations – customers and contributors – and involving some constituents (i. e., volunteers) in the effort. This orientation and effort is all towards the goal of sustaining and desirably expanding their organization's economic health in order to provide and sustain clearly valued musical services in their communities.

The labor laws of the land make no particular distinction between for-profit and non-profit corporations. But, as earlier summarized, substantial economic differences clearly exist. Notwithstanding employee ownership trends, there is an argument that employee and owner interests are adverse in for-profit organizations. There are various ways which profits might be allocated between labor and capital. However, in the case of a symphony orchestra organization, there are no profits to be allocated, and it is clearly counterproductive for employees to consider the community to be an adverse party. Symphony orchestra organizations meet

their commercial shortfalls through the unobligated charitable support of constituents, and it is rather nonsensical for employees to think adversely about the hand that feeds.

Nor is it very sensible to think that some employees are different from others when it comes to economic interest. I think a man or a woman or a thing from Mars (not such a fantastic notion based on recent findings) visiting a symphony orchestra organization would be perplexed to observe adversarialism between management and players. I think it might appear to the Martian that all employees were pretty much in the same boat. Especially in a crisis involving organizational life or death, some difference in economic interest might be observed between the employees, as a group, and a constituency, as a group, but not between different groupings of employees. I think a Martian would conclude that the economic security of each employee depends upon the financial health of the symphony enterprise as a whole.

In this age, we dare not take constituents for granted. On the airplane this morning, as we made our final approach, it was interesting to hear to the captain say: We know you have choices; thanks for choosing United. And then on the way to the rental car lot, the shuttle driver ended his instructions with . . . and thanks for choosing National. Even more so, the symphony organization constituent, especially the contributor who is a subscriber and volunteer, needs to hear every employee say, whenever possible, loudly and clearly: Thanks for choosing to support the symphony orchestra.

In companies with advanced human resource practices, every employee is oriented and trained to become customer-sensitive, if not customer knowledgeable and responsive. To this end, machine operators accompany salespersons on field customer visits. Product design engineers spend as much time in customers' premises as in their own drafting rooms. Bookkeepers monitor customer focus groups, discussing possible product and service improvements. Employees are urged and trained to look outward and to realize that their organizations success, their own material benefits, and their opportunities for personal and professional growth depend upon excellent customer service and support. Substitute the word constituent for customer, and the situation should be no different in the symphony orchestra world.

Should a company develop products and services which will be of interest to any and all possible customers? Will we dilute and weaken our primary competence by the development and extension of a range of secondary products or services serving a hoped-for wider range of customers? Or, looking at the matter differently, should we exploit and expand our base competence and strengthen our viability by encompassing a wider range of presentations to a more diverse clientele? Many organizations, including symphony organizations, face these choices which are best resolved within the framework of a clear, widely understood, and agreed upon declaration of mission and values.

It would be nice if society, or on a more micro basis our communities, would just recognize and reward orchestral participation, skill, and dedication without so much fuss and questioning. It just doesn't happen that way. It would be nice if management and governance were infallible, knew all the answers, and did all the work

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needed to retain and expand the base of constituent support necessary to assure our organizational and personal economic security, without any effort or cooperation on our part. It just doesn't work that way. It would be nice if the organization of which we are a part would function superbly, provide our economic needs, and permit us to live an isolated and insular artistic life, without any personal involvement and commitment. Organizations just don't function very well under those circumstances.

In advanced human resource practice enterprises, how products and services are improved, how work is processed, how time is spent, and how greater effectiveness can be achieved, are dealt with in decision-making systems which provide that inputs, and in many cases binding decisions, are made at the lowest possible level. Information needed to provide such inputs or make such decisions is readily available to everyone involved. Also, there are patterns of primary specialization, but everyone is encouraged or expected to become multi-skilled in ways which support primary skills and enhance team performance. Employees have broad horizons and perform a variety of organizational functions. Training in skill development and team process is ongoing and intense. In such organizations, there are few if any dead ends; personal and professional growth opportunities are abundant.

In many symphony orchestra organizations, we have tended to put employees, and even working volunteers, in boxes. Everyone has a precise role to play and is expected to play that role rather singularly, narrowly, and intensively. We are too often, as Pierre Boulez has said, just cogs in a machine. We still operate too much in the shadow of Henry Ford. How many times do we hear, "Managers should manage and players should play?"

Unfortunately, too many people in management do not seriously wish to have players involved in anything more than music performance. Or, they don't wish, or don't know how, to provide the creative, energetic, and risky leadership necessary to motivate, orient, and train musicians, at least those who are interested, to broaden their skills and contribute more generally to organizational vitality and economic viability. The stock answer I hear is that players really don't want to do anything but play their instruments, or the union won't permit it, or the musicians really don't know much about these matters. These attitudes are quite often shared by key board members and undermine the will power of even the most forward looking executive director.

But the problem goes much deeper. It involves musician leadership, too, and in some cases, individual musicians. Too many musician leaders believe and preach that if a musician is encouraged or invited to do anything more than play an instrument, he or she is being exploited. Or he or she is doing management's job, or setting a bad precedent. And there are still too many musicians who feel that any organizational involvement or contribution beyond strictly defined musical performance tasks is a legal and moral affront or must be carefully and contractually defined through extensive bargaining and documentation. Thankfully, for the sake of the economic viability of most symphony orchestra organizations and that of their employees and for the sake of more fulfilling orchestral careers, these outmoded views, with their accompanying rheto-

ric, are held by only a small, albeit vocal, minority of orchestral musicians.

Of course, we have all seen or read about employees and volunteers from every sector of a symphony orchestra organization pulling together, and putting forth great effort, flexibility, dedication, and sacrifice, just when it has become excruciatingly apparent that the organization is failing. What is it about the human condition that moves us toward common purpose when it is probably too late?

I suppose we cannot expect easily to change the mind set existing at many levels in many symphony orchestra organizations. To effect concerted and comprehensive change, a number of people will need to be committed. There are some organizations where I sense management and governance might be ready to try a different approach, but musician leadership appears intractable. In other organizations, my sense is that musician leadership might be open and responsive to new directions, but the invitation, and the trust that would underpin it, is not forthcoming.

Musicians in many organizations are better off economically than ever before, but are contributing to organizational development, economic viability, and community value well short of their potential. Disengagement and uninvolvement tend to reinforce low morale in some orchestras, particularly in some smaller orchestras where, in fact, what is needed is an enthusiastic total organizational effort to uplift lagging constituent and community support. Overall, musician job satisfaction continues low; angst is high. Staffs are stretched, stressed, and underpaid beyond reasonable limits in many organizations. Ambiguities as to the roles of the volunteer chairperson, the executive director, and the music director continue in many organizations, and these ambiguities do not contribute to strong and clear leadership. Information sharing is modest. Trust levels would appear to be below average.

I urge each of you to devote at least the same, if not more, intellectual energy to thinking about and discussing how you and your colleagues can provide more organizational value within your communities, and deepen and broaden constituency support for your organization, as you do to reviewing the intricacies of trade agreements and bargaining status. Let constituency support and community value become keynotes in your thinking about orchestral employment. I can assure you that, over time, your pocketbooks, as well as your workplace satisfaction and personal growth horizons, will be well served by this added emphasis.

The full text of this speech is published in the October issue of the Symphony Orchestra Institute's publication, Harmony, which will be distributed to all ICSOM orchestras. Reprints of the speech as published in Harmony are available upon request via fax, mail, or e-mail from the Institute at (847) 446-5760 or SymphonyOI@aol.com, or from the Senza editor.

Senza Sordino invites and encourages your comments for future publication. Letters to the Editor may be addressed to Marsha Schweitzer, 905 Spencer Street #404, Honolulu HI 96822, faxed to 808-531-6617, or e-mailed to MSchwitzr@aol.com.

Be It Resolved . . .

The following resolutions were unanimously adopted by the conference:

Whereas, The Phonograph Record Labor Agreement is extremely important to symphonic musicians; and

Whereas, Musicians' hard-won gains were under severe attack by the recording industry during the 1996 negotiations; and

Whereas, The union was in the difficult position of defending the Agreement while simultaneously creating recording opportunities, a task which it undertook successfully; therefore, be it

RESOLVED, that ICSOM commend AFM President Steve Young for his spirited leadership in preserving the Phonograph Record Labor Agreement and the Recording Industries Music Performance Trust Fund and in resisting the efforts of the recording industry to divide the union.

Whereas, There is no more important aspect of ICSOM than its service as communication vehicle among its constituent orchestras; and

Bassoonists Again Reign Supreme At ICSOM

(Unlike last year's "Martian Bassoonists," these double reeders seemed pretty down to earth.)



right to left: Geoffrey Hale, Florida Philharmonic; James Martin, Cincinnati; Mary Plaine, Baltimore; Andrew Brandt, ROPA President; Steve Young, AFM President; Brad Buckley, ICSOM Chair, St. Louis; Bill Buchman, Chicago; Nancy Stutsman, Kennedy Center; Doug Fisher, Columbus; Marsha Schweitzer, Senza editor, Honolulu; Kenshi Morooka, an oboist from the Musicians Union of Japan (In the spirit of double reed comraderie, the bassoonists invited our guest oboist to join in.) Brad is displaying the ceremonial gavel he was awarded at the end of the conference, having gone eight years as chairperson without one. (photo: Mark Schubert)

Whereas, That purpose is defeated if its Delegates are not in regular communication with the orchestra committees in those constituent orchestras; and

Whereas, In many instances the ICSOM Delegate of an orchestra is not a member of the orchestra committee; therefore, be it

RESOLVED, That ICSOM call upon all of its constituent orchestras in which the ICSOM Delegate is not a member of the orchestra committee to establish a policy whereby the ICSOM Delegate is invited to attend all meetings of the orchestra committee to transmit and to gather the information so valuable to allowing the full value of ICSOM membership to be enjoyed by the orchestra, its members, and the orchestras and members of ICSOM as a whole.

Whereas, Professional orchestra musicians are often required to play from printed music which is substandard in its notation and legibility; and

Whereas, Rental parts, especially those provided by guest artists, are frequently unavailable both to the orchestra librarian and the players to prepare ahead of time; and

Whereas, Printed parts of poor quality can lead to wasted rehearsal time, mistakes in performance, and increased stress for the musicians; and

Whereas, Widely available technology allows high-quality printed parts to be produced quickly and easily; and

Whereas, The Major Orchestra Librarians' Association (MOLA) is already working with music publishers, guest artists, and orchestra managements to improve the quality of all printed music; now, therefore, be it

RESOLVED, That ICSOM support MOLA in its efforts to improve the quality of printed music, and be it further

RESOLVED, That ICSOM encourage its member orchestras to seek management support for refusing to accept substandard printed parts.

Whereas, The Phonograph Record Labor Agreement and Music Performance Trust Funds are extremely important to symphony musicians; and

Whereas, The last negotiations were difficult and contentious; and

Whereas, The industry, marketplace, and workplace are changing at a heretofore unheard of speed; and

Whereas, Preparedness and research makes for the greatest flexibility and strength in negotiations; therefore, be it

RESOLVED, That the delegates to the 1996 ICSOM

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Conference recommend that the American Federation of Musicians establish a committee, composed of Federation officers, local officers, player conference officers, and the Federation public relations department, to begin immediately preparing for the next phonograph record agreement negotiations.

What's Wrong With This Picture?

There are three sets of siblings in this picture - or are there? Which of them, the Ridge brothers, the Tretick sisters, or the Levine brothers, really aren't?



left to right: David Ridge, San Francisco Opera; Bruce Ridge, North Carolina; Stephanie Tretick, Pittsburgh; Blythe Tretick, Phoenix; Robert Levine, Milwaukee; Richard Levine, San Diego (photo: Mark Schubert)

Whereas, The ongoing financial hardships in Louisville and San Diego have stretched their resources to the limit, and

Whereas, In the spirit of extending a helping hand whenever and wherever needed among our members; now, therefore, be it

RESOLVED, That the membership dues of the San Diego Symphony and the Louisville Orchestra be forgiven for the 1995-1996 season.

Whereas, The Sacramento Symphony musicians have made personal sacrifices amounting to over \$600,000 in wage and benefit cuts over the past three years; and

Whereas, The Board and Management of the Symphony are now threatening Chapter 7 bankruptcy unless the musicians make even greater sacrifices; and

Whereas, The musicians are unable to accept any more wage and benefit cuts and are courageously resisting all such proposals even in the face of possible loss of their jobs; and

Whereas, The delegates to the 1996 ICSOM Conference wish to lend their support and encouragement to those musicians; now, therefore, be it

RESOLVED, That the delegates to the 1996 ICSOM Conference urge the City of Sacramento, its leadership, and especially the Sacramento community, to direct the Board and Management of the Sacramento Symphony Orchestra to cease and desist its current efforts to silence the music in Sacramento, and encourage the musicians of the SSO to stand fast and continue to demand a fair and equitable contract which will permit them to both practice their art and support themselves and their families.

Whereas, ICSOM is an organization created to provide support for the needs and interests of professional orchestra musicians; and

Whereas, the Major Orchestra Librarians' Association (MOLA) is an organization created to provide support for the needs and interests of professional orchestra librarians; and

Whereas, There are issues in our professional lives which affect members of both ICSOM and MOLA; therefore, be it

RESOLVED, That ICSOM and MOLA work together on issues which are of mutual concern.

Whereas, ICSOM recognizes the value of music education and the importance of young musicians performing publicly; and

Whereas, Part of their education should include their understanding of the adverse consequences of students replacing professional musicians; and

Whereas, There is a situation existing in Beaver Creek, Colorado, in which students are being used by an employer to replace a group of professional musicians who have performed for this employer for over 14 years; now, therefore, be it

RESOLVED, That ICSOM go on record as deploring the replacement of professional musicians by students and that it urge the AFM, the MENC, and all music schools to advise students to avoid such employment.

Whereas, The "St. Louis Clause" is an important part of the collective bargaining agreements of many AFM orchestras; and

Whereas, Dues and assessments make many important

functions of orchestra committees financially possible, including, but not limited to strike funds, ICSOM dues, and legitimate orchestra committee expenses; and

Whereas, Union solidarity is undermined by allowing some musicians to avoid paying these not-overly-burdensome assessments that are paid in good faith by their colleagues; and

Whereas, The delegates to the 1993 ICSOM Conference have already passed a resolution urging the enforcement of this clause where it exists; now, therefore, be it

RESOLVED, That the delegates to the 1996 ICSOM Conference urge that any Local sign and approve collective bargaining agreements for orchestras who have successfully negotiated this clause into that orchestra's collective bargaining agreement.

Other official business . . .

Elected to office for two-year terms were Robert Levine (Milwaukee Symphony), Chairperson; David Angus (Rochester Philharmonic), President; Lucinda-Lewis (New Jersey Symphony), Secretary; Stephanie Tretick (Pittsburgh Symphony), Treasurer; and Marsha Schweitzer (Honolulu Symphony), Editor, *Senza Sordino*.

Appointed: Bradford Buckley (St. Louis Symphony) to chair the ICSOM Media Committee, which will represent ICSOM at the upcoming Audio-Video negotiations. William Buchman (Chicago Symphony) to succeed Tom Hall as ICSOM Conductor Evaluation Coordinator.

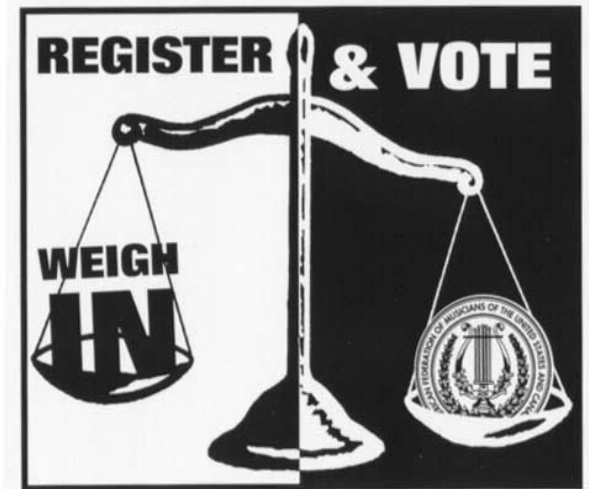
The ICSOM Governing Board



left to right: Charles Schleuter, Boston, member-at-large; Michael Moore, Atlanta, member-at-large; Mary Plaine, Baltimore, member-at-large; David Angus, Rochester, President; Robert Levine, Milwaukee, Chairperson; Stephanie Tretick, Pittsburgh, Treasurer; Lucinda-Lewis, New Jersey, Secretary; Marsha Schweitzer, Honolulu, Editor, *Senza Sordino*; James Clute, Minnesota, member-at-large. (photo: Mark Schubert)

From the Democratic Party 1996 Platform:

We believe in public support for the Arts, especially for high-quality, family-friendly programming. America is the leading exporter of intellectual property built on a strong foundation of artistic freedom. We are proud to have stopped the Republican attack on the Corporation for Public Broadcasting – we want our children to watch Sesame Street, not Power Rangers.



From the Republican Party 1996 Platform:

As a first step in reforming government, we support elimination of the Departments of Commerce, Housing and Urban Development, Education, and Energy, and the elimination, defunding or privatization of agencies which are obsolete, redundant, of limited value, or too regional in focus. Examples of agencies we seek to defund or to privatize are the National Endowment for the Arts, the National Endowment for the Humanities, the Corporation for Public Broadcasting, and the Legal Services Corporation.

Editor's preface: San Diego, the second largest city in California, no longer has a symphony orchestra. The San Diego Symphony Orchestra Association declared Chapter 7 bankruptcy on May 31, 1996, and since then the music has been silenced.

As recently as a decade ago, it was tacitly understood among musicians, management, boards, and communities that no labor unrest, management shortcomings, board lassitude, or economic recession could be so bad as to warrant the willful dissolution of the institution. We thought a way could always be found, if we all cared enough, to overcome such obstacles to preserve our organizations and honor the public trust. But then there were bankruptcies in Oakland, Alabama, Oklahoma City, Orlando, and now San Diego and Sacramento. During the 1980's and into the 1990's, bankruptcy became a recurring threat, and for some orchestras, a reality.

Bankruptcy has become a recognized labor relations tool for orchestra boards. It is the final nuclear weapon in their downsizing arsenal. It appears that if musicians don't agree to downsize willingly, some boards are now considering it reasonable to kill the orchestra, along with its collective bargaining agreement, perhaps as a strategic prelude to starting up something new – and cheaper.

The increasing willingness of boards to abandon the institutions they are charged to protect is indicative of a deeper abandonment of the fundamental artistic mission and purposes for which orchestras were founded. The survival of our art requires that we learn as quickly as we can the reasons for the deep trouble many of our orchestras are experiencing. This article is a first step. It is adapted from press reports and from a series written by San Diego Symphony cellist Ron Robboy for The Soundpost, Local 325's newsletter.

Silence In San Diego

The San Diego Symphony had been showing signs of distress for at least a decade (see "Capsule History," page 10), but the race to oblivion began in earnest around 1990. Within months after signing a three-year contract beginning 1991-92, the San Diego Symphony Association began pressing Local 325 and the musicians for concessionary renegotiations. No sooner were new terms reluctantly ratified, reducing the second year of the contract, than the board came back to the musicians a second time, and we acceded to further substantial givebacks for the third year as well.



One mitigating outcome of that second round, however, was the departure of Executive Director Wes Brustad, who had been attempting to gut the entire symphonic organization and create instead a year-round pops presenter. A new executive director was brought in, Michael Tiknis, who combined an aggressive marketing strategy with a respectful approach to labor relations. Shortly thereafter, board President Warren Kessler stepped away from his leadership role. He had been the Association's only significant fund-raiser, and he left his position with no effective fund-raising mechanism in place.

After repeated attempts by the Association to negotiate a one-year contract, the musicians and board ratified a new three-year agreement beginning 1994-95. Though meaningful gains over the previous season's renegotiated wages were achieved, they in fact only restored the salaries originally promised in 1991.

During the contract's first year, the Association's spending greatly exceeded revenues. Within a few short months, Local 325 and the musicians began facing mounting pressure to renegotiate once again. The overruns, evidently, were to be taken out of the musicians' hides, even though the musicians' portion of the budget had remained on target. Meanwhile, to compound the problem, the Board had all but abandoned fund raising. Sandwiched between a do-nothing board and continual

cash-flow crises, Tiknis resigned, and the board never did hire a new manager to replace him. Some payrolls were missed, and the board, amid massive public skepticism, announced a series of emergency fund-raising drives, none of which received proper planning or implementation. In spite of the board's ineffectiveness, during one of these fund drives the musicians offered a plan to establish an endowment funded by payroll deductions. The board accepted our plan and reduced our salaries accordingly. We learned later, however, that they had never set aside the money they had taken from our paychecks as had been agreed.

Through the fall of 1995, renewed demands, soon to take the form of ultimatums, were placed on Local 325 to accept "in concept" a new, radically downsized budget, slashed by one third, and based on half a year's work at \$780 per week. Perhaps the most alarming part of all this was that these figures – the weeks and budget – were produced out of thin air. With no professional manager advising them, the board had



AFM President Steve Young speaks at the San Diego Symphony Musicians' demonstration near the site of the Republican National Convention in San Diego in August. (photo: Julian Hintz)

begun bandying about figures as though they were playing Monopoly. We asked them directly: If we were, hypothetically, to entertain their figures, how would they fund the new payrolls they proposed? Their candid answer was equally direct: They hadn't a clue. As amorphous and ill-prepared as these proposals were, however, what made them utterly untenable was the board's complete unwillingness to engage in meaningful dialogue with the union; all the changes were being insisted upon unilaterally.

Even so, the musicians, in order to facilitate the kind of discussion necessary to produce real solutions, volunteered to accept additional wage reductions to \$780 per week – the very figure the board had proposed – but on condition that a manager be hired and medical insurance, already agreed upon, be prepaid. Unbelievably, the board refused our offer – God forbid they should have professional management – and insisted on keeping us at a higher salary!

As fall turned to winter, we continued to hear talk of Chapter 11 reorganization, which carried the threat of the courts throwing out our contract. Then, out of the blue – with no warning whatsoever to musicians, audience, or community – the board announced that it would be voting the very next day to authorize Chapter 7 liquidation. Never once had this been a topic of discussion at open board meetings, and certainly never with Local 325. Overnight, the threat of final and irrevocable dissolution of the institution – selling the hall, liquidating the music library, going dark forever – became the cudgel with which the Association attempted to extract sweeping concessions. We held our ground, however, and

at the first of the year Mayor Susan Golding finally weighed in: She proposed that we suspend the union contract and shut down until September 15 – i.e., until after the Republican Convention – with planning during the interim to determine what, if anything, we might come back to. When that plan was unanimously rejected by the musicians, the Association announced that we would play our last concert on January 13. Symphony Hall went dark for the remainder of the winter, but the threatened bankruptcy was not filed.

As spring approached, two prominent donors announced a major endowment campaign they would undertake independently of the long-since discredited board. The musicians, hoping (once again) to save the institution, went the extra mile and resumed performing. The effort, alas, was pronounced a failure, and the musicians have not been paid for their work.

On May 31, 1996, the Association filed for Chapter 7 bankruptcy in Federal Court. The musicians are now seeking the monies owed them through the bankruptcy process. A bankruptcy trustee will oversee the bankruptcy and the liquidation of the orchestra's assets, including Copley Symphony Hall and the entire music library. Richard Kipperman was appointed to act as interim trustee until the appointment of the permanent trustee. The musicians sought to elect the permanent trustee through a vote of creditors, as allowed under federal bankruptcy law. Both the interim trustee and the Association filed blanket objections to the musicians' creditor claims in an effort to disenfranchise the musicians as creditors.

(continued on next page)

(continued from page 9)

As agreement after agreement was broken, what was left was the understanding that art, jobs, and professional standards carry a lower priority in San Diego than the shallow facade of cultured sophistication. It has become evident that the intent has been to destroy the union contract and protected wages at any cost.

Something we hoped for as the Symphony board lurched from one disaster to the next was active support from the city's political leadership, at least to galvanize the efforts other civic leaders were undertaking. Two city council members did call for the resignation of the board, but fixated as San Diego was on the Republican National Convention (that all but boycotted union music), the leadership from the city that the symphony really needed never appeared. Instead, the Symphony was evicted from its summer pops site to make way for the Republican convention and was left twisting in the wind as millions of city dollars were spent on the convention. The Republican convention was not, of course, a bad thing for San Diego, but the symphony needed to be attended to at least as much, and wasn't.

The decision to dissolve the orchestra was greeted by Sandra Pay, the chair of the San Diego City Commission for Arts and Culture, with what she admitted to the *San Diego Union-Tribune* was "almost a feeling of relief." The arts commission had reduced the orchestra's funding in April 1995 in what Pay described as a "warning." The commission recommended in April 1996 that the city defund the orchestra completely. Pay reacted to the Chapter 7 filing a few weeks later by saying that it had given them an opportunity to design the symphony they need.

Some San Diego Symphony musicians have found new jobs in other orchestras; others are free-lancing, teaching, or working in non-musical jobs, at least temporarily. Those musicians who remain in San Diego are working to lay the groundwork for the rebirth of the San Diego Symphony. Prospects are uncertain at this time.

"Injustice anywhere is a threat to justice everywhere."
 – MARTIN LUTHER KING, JR.

The San Diego Symphony *A Capsule History*

1910 – San Diego Symphony founded, performing mostly in hotels and vaudeville theatres.

1927 – A new orchestra is founded by Nino Marcelli and begins regular performances in Balboa Park.

1935 – Ford Motor Company finances the Symphony's concert series and builds an amphitheater in the park. With WPA, the Symphony expands under Nikolai Sokoloff.

1953 – Robert Shaw becomes music director; he inaugurates first indoor winter series in 1958, his last year.

1966 – Symphony receives a half-million dollar Ford Foundation grant as endowment seed. The Association later spends the principal on operating costs.

1980-84 – Major Orchestra status and expansion to 36 weeks of concerts.

1984-86 – Symphony acquires Fox Theater, which it renovates at a cost of \$6 million. In spring 1986, Association declares emergency ten-day effort to raise \$2.1 million. The goal is met with unprecedented response by the general public. Within weeks, however, the Association then announces a further \$800,000 shortfall; its credibility is shattered.

1986-87 – Musicians are locked out and winter season remains dark. Musicians produce their own successful Summer Pops series at Mission Bay.

1990 – \$2.5 million gift from Helen Copley helps retire remaining debt on hall renovation. Newly named Copley Symphony Hall is now owned free and clear.

1991-93 – Association seeks concessions two years in a row. In attempt to save the institution, musicians grant reduced seasons and wages, resulting in pay cuts of more than 16%.

1994-Spring 1995 – Under new management, attendance and subscriptions increase by over 50%, and new contract restores musicians' wages. By spring 1995, contributed income has dropped precipitously as Association fails for four months to fill fund-raising director vacancy and never launches Corporate Partnerships campaign. Executive director resigns.

Summer-Fall 1995 – Association fails to pay some payrolls. Musicians propose to seed endowment through payroll deductions; Board reduces pay but never sets money aside. Chapter 7 liquidation is authorized by Board in December 1995, with no warning to musicians or public.

1996 – Mayor proposes suspension of musicians' contract and shutdown of Symphony until October. In support of effort by two major donors to raise \$10-20 million endowment, musicians agree to resume concerts in the spring. The endowment effort fails, and the musicians, who had continued working, remain unpaid. The Association files for Chapter 7 bankruptcy on May 31.

Orchestras In The News

Atlanta

The Atlanta Symphony went on strike on September 20, 1996 over, among other things, threats to reduce the size of the orchestra and the failure of management to discuss the musicians' "substantially reduced economic proposal of 5% in each of the three years of the contract." Management's last offer was only a one-year salary freeze with a reopener for years two and three. There are no guarantees of increases.

Contributions and letters in support of the Atlanta Symphony musicians may be sent to:

**Atlanta Symphony Orchestra Players' Association
(ASOPA)
953 Rosedale Rd NE
Atlanta GA 30306**

Sacramento

The Sacramento Symphony filed for Chapter 7 bankruptcy on September 5. On September 3, management had hand-delivered its final offer to each musician, circumventing the negotiating team, which had rejected the same offer two days before. Management demanded that the musicians accept the offer, including a 25% salary cut, four weeks cut from the season, and major concessions in benefits and working conditions, by 5 p.m. that same day. No vote was taken.

Financial contributions to assist the musicians with their health insurance may be sent to:

**Sacramento Symphony Players' Association
P.O. Box 221191
Sacramento CA 95822**

Philadelphia

On September 15, 1996, the Philadelphia Orchestra voted 100-0 to reject management's contract proposal, putting the orchestra on strike for the first time in 30 years. The key issue is the reduction and eventual elimination of the Philadelphia Orchestra's \$6,000 per year Electronic Media Guarantee. This is not only a personal financial concern for the musicians, but in terms of the long-term health of the entire organization, it represents the removal of any incentive for management to pursue new recording and broadcasting opportunities to replace those that have been recently lost. The Philadelphia Orchestra currently has no recording, radio, or television contracts.

An underlying issue is the perceived incompetence of orchestra management leadership, as evidenced by the recording and broadcasting problems, and also by the recent loss of support from the Pew Charitable Trusts, a long-time Philadelphia-based funder, and other fundraising difficulties, particularly in connection with the financing of a new orchestra hall.

Shortly after the strike began, Philadelphia's Mayor Rendell offered a play-and-talk proposal that would have put the musicians back to work on stage while negotiations continued, if the management would submit to a review of its performance by an independent panel. Management rejected the mayor's proposal; the musicians voted to accept it. "The musicians don't want more concerts cancelled. The musicians don't want to watch management kill this institution. If we can have the Mayor's independent review while we continue to negotiate, the musicians want to play for their patrons and supporters," stated Larry Grika, chair of the musicians' negotiating committee.

. . . And The Good News

Orchestras in **Los Angeles**, **Columbus**, and **Buffalo** ratified new contracts in September. **Oregon** recently settled after a short strike, the first in the orchestra's history.

A Message of Support from Riccardo Muti

Maestro Riccardo Muti, former Music Director of the Philadelphia Orchestra, sent the following fax message to "Members of the Board of The Philadelphia Orchestra:"

September 30, 1996

Dear Sirs:

I was unhappy to learn that the musicians of the great Philadelphia Orchestra have been forced to go on strike in order to preserve the heritage of that institution. If orchestras lesser than that of Philadelphia can offer their players greater visibility and recognition by means of tours, recordings and broadcasts, then they will begin to attract the top players.

In order to keep the Philadelphia in the top ranks of the world's musicians, the Board and Management must remember that the Philadelphia Orchestra is its musicians.

I urge that both management and musicians find solutions which will resolve this dispute, so that the Orchestra can celebrate its 100th Anniversary as the important and glorious musical institution it has been and should continue to be.

Sincerely yours, With my best wishes,
Riccardo Muti

Newslets

ICSOM On the Web

Striking & Negotiating Orchestra Musicians' Websites

Philadelphia

<http://users.aol.com/PhilOrch/Strike.html>

Atlanta

<http://userwww.service.emory.edu/~mmoor02/ASOPA.html>

San Francisco

<http://www.slip.net/~rnward/Neg-update.html>

The **Theatre Musicians Association** held its First International Conference in San Francisco on July 22, 1996. TMA seeks to promote the interests of musicians working under theatre contracts across the U.S. and Canada, including Broadway and Pamphlet B. As reported in *Intermezzo*, the newsletter of Chicago Local 10-208, TMA will seek to join ICSOM, ROPA, OCSM, and RMA as an official conference of the AFM. The TMA newsletter, *The Pit Bulletin*, contains interesting information on the instrumentation used in current touring shows and a tentative schedule of dates and cities where shows will be playing.

ICSOM now has its own site on the World Wide Web. While devoid of features of some of the hottest sites on the Web, such as live pictures of coffeepots, R-rated graphics, 3-dimensional rotating pictures of the starship Enterprise and the like, the site does boast some useful and interesting information for the orchestra activist. Included are a breaking news page, with up-to-date information on what's happening in the orchestra world, all editions of *DOS Orchestra* to date, all editions of *Senza Sordino* since September 1994 in Adobe Acrobat® format (with links to free downloadable Acrobat Reader software for all major computer platforms), some information about ICSOM, and links to other sites of interest, including all ICSOM orchestras on the Web.

Most current Web browser software will be able to reach the site at <http://www.icsom.org/icsom>. Older software may have to use <http://www.webcom.com/icsom/>.

Robert Levine, Webmaestro

In Future Issues

Orchestra Settlements 1995/96
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The Depreciation Deduction
Brad Buckley Retrospective

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Buffalo Philharmonic Orchestra
Chicago Lyric Opera Orchestra
Chicago Symphony Orchestra
Cincinnati Symphony Orchestra
Cleveland Orchestra
Columbus Symphony Orchestra
Colorado Symphony Orchestra
Dallas Symphony Orchestra

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