

# Senza Sordino

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## Electronic Media Meeting in Chicago

Representatives of 27 ICSOM orchestras convened at Chicago's O'Hare Hilton on the morning of January 13, 2003, to discuss media issues. The meeting was called by the ICSOM Governing Board. The orchestras which attended were deemed to be those most affected by recording, but all ICSOM orchestras were extended the opportunity to send representatives. ICSOM Chairman Jan Gippo presided, and ICSOM legal counsel Leonard Leibowitz also attended.

In the afternoon, the orchestra representatives, Governing Board and counsel, and officers of locals of the orchestras represented met with AFM leadership and counsel in a meeting chaired by AFM President Tom Lee. A meeting of the ICSOM President's Council was held on Sunday evening in advance of the media meeting; a report is in ICSOM President Brian Rood's column in this issue.

ICSOM orchestras represented at the ICSOM session Monday morning were Atlanta (Michael Moore), Boston (Larry Wolfe), Buffalo (Robert Prokes), Chicago Lyric Opera (Linda Baker, Crozet Duplantier), Chicago Symphony (Steve Lester, Rachel Goldstein), Cincinnati (Paul Frankenfeld), Cleveland (Tom Mansbacher, Scott Weber, Richard Weiner), Columbus (Doug Fisher, Andy Millat), Dallas (Matt Good), Detroit (Stephen Edwards), Honolulu (Marsha Schweitzer), Houston (Larry Thompson), Indianapolis (David Bartolowits, Robert Wood), Los Angeles (Peter Rofé, Meredith Snow), Metropolitan Opera (Duncan Patton), Minnesota (Paul Gunther), Nashville (Bruce Christensen), National (William Foster), New Jersey (Lucinda-Lewis, Jason Lippman), New York Philharmonic (Fiona Simon), Oregon (Fred Sautter), Philadelphia (Bob Grossman), Pittsburgh, (David Gillis), Saint Louis (Gary Smith), Saint Paul Chamber Orchestra (Herb Winslow), San Francisco Symphony (Tom Hemphill), and San Francisco Opera (David Ridge).

Since the founding of ICSOM, orchestras have sought to influence and to participate with the AFM in the negotiation of national media agreements.

The ICSOM Media Committee was established for this purpose and has been at the table for AFM media negotiations for over three decades.

In the past this has been a fairly straightforward matter of ICSOM orchestras mandating positions subsequently taken to the negotiating table by the ICSOM Media Committee and the AFM. This traditional structure of negotiations was succeeded three years ago with establishment of the Electronic Media Forum (EMF). As defined in its recent report, the EMF is a group of senior staff members of North American orchestras and opera companies, orchestral musicians, and elected officers and staff from the AFM, with representatives from the Orchestra Managers' Media Committee, ICSOM, ROPA, and OCSM. Over the past three years, the EMF has negotiated the symphonic Audio-visual and Internet agreements.

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## Houston Musicians Fight Concessions

*Roger Kaza, associate principal horn of the Houston Symphony and chairman of the Musicians' Negotiating Committee, has submitted the following update on his orchestra's situation.*

The Houston Symphony staged a protest walkout on Saturday, February 1, and did not play the concert with Midori scheduled for that evening. The protest specifically targeted February 1, the date management had threatened to impose its most recent offer. Although only a one-day event, the strike was the first in the orchestra's 90-year history. The orchestra has reserved the right to call future protests if there is no progress in the negotiations or if management's offer is imposed.

We have been playing without a contract since October 5, 2002. Management wants a 14% cut in scale and increases in the musicians' portion of health insurance costs. They also want structural changes in contractual rules, including proposals for unlimited division of the orchestra and cutting five string positions by attrition. This latest bomb, along with eleven other proposed changes, was dropped on us on January 18, over three months after the contract expired. The players have recently filed charges of bad-faith negotiating with the National Labor Relations Board.

The players have done everything in their power to avoid the current situation. We formed a negotiating committee 20 months ago and sought to begin talks over a year ago. In February of 2002 management asked for a one-year contract extension. The players agreed, provided there would be a modest increase in seniority pay, which had never been adjusted since its inception in 1982. In July management agreed to add \$200,000 towards

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## Chairperson's Report

Jan Gippo



My assessment of the historic meeting of ICSOM orchestra representatives in Chicago was that there was much more agreement than disparity. Although there are some specifics that need to be discussed, refined, and agreed upon by all the members, there was clearly consensus on major issues: national agreements are preferred to local pacts; most orchestras clearly favor up-front payments to back-end or contingency payments; and all orchestras indicated that they would support duly ratified national agreements.

These areas of agreement are tremendous building blocks for unification throughout ICSOM. The agreements that need attention are Radio-to-Non-Commercial and Limited Pressing. Because these are unilateral agreements—policies promulgated by the AFM rather than national contracts negotiated with employers—we can start talking now to find amendments acceptable to all orchestras and to be able to present recommendations to the Federation in short order.

I want to thank all the participants at the Chicago meeting for their time, goodwill, and excellent manner of discussion. I hope we can have more such meetings to address and act upon other issues that affect ICSOM orchestras. The communication we had in Chicago must continue for us to be effective, and I look forward to other such gatherings of the creative brain trust of the symphony orchestra industry.

The Chicago meeting also reinforces my answer to a question I hear from time to time: Is ICSOM relevant? My answer is always a resounding YES.

*The relevance of ICSOM is the relevance of collective action.* ICSOM is the major orchestras' forum for collective action. Individual orchestras standing alone cannot accomplish nearly as much as they can by acting together. When our orchestras have identified a problem and have come to consensus, success has been dramatic. We have an effective communications network. We sought, and now have, an AFM (SSD) symphony department. We fought for, and now have, an AFM strike fund. We established an ICSOM Emergency Relief Fund. We created a national conductor evaluation program. On these issues and many more there was concern, discussion, consensus, a call to action, and an effective settlement in favor of ICSOM.

The Chicago meeting is yet another example. We convened representatives from 27 orchestras to discuss the future of recordings, the terms under which recordings will be done, and the manner in which those terms will be negotiated. Each of these issues is quite important to every member orchestra, and in order for the Governing Board to present any media agenda on behalf of all member orchestras, we must know what our orchestras want. To that end the Governing Board provided a forum for the discussion of issues upon which our member orchestras want to undertake collective action, and now we can proceed to act on their behalf. That is relevance!

## President's Report

Brian Rood



The President's Council was formed in 1984 to increase orchestra input to the Governing Board beyond the contribution of delegates to annual conferences. The Council may be composed of delegates, committee chairs, or any orchestra members the ICSOM president feels can be helpful in keeping the Governing Board informed of the issues confronting ICSOM orchestras. The Council was used sporadically in the 1980s and 1990s, and the Governing Board elected in 2002 sought to revive this valuable medium for communication with our orchestras.

A President's Council meeting was held in Chicago on January 12 to help ICSOM prepare for the electronic media summit meeting sponsored by the AFM the following day. Everyone who has attended recent ICSOM conferences is aware how important and potentially divisive media has become. The Governing Board recognized that in order to repair the fragmentation present across ICSOM's boundaries, opportunities were needed for musicians to speak out and be heard and understood. This meeting provided an environment where musicians were able to discuss the issues, ask questions of each other, and gain a better understanding of how their colleagues around the country view media.

The Governing Board met late Sunday night with musician representatives from eleven orchestras that hold widely differing views on electronic media. The goal was to bring into focus the disparity of opinions from orchestra to orchestra. The meeting began with each orchestra offering a brief description of its media issues and concerns with national agreements. Topics included national rates, local control, upfront payments, bargaining formats, radio broadcasts, streaming, self-produced recordings, and orchestra ownership of product. Orchestra representatives did appear to agree on having national rates for commercial product. A concern voiced strongly was that orchestras should not put themselves in the position of possibly harming another directly or indirectly through its media work.

Possibilities for future discussions include conference calls with orchestra representatives and the Governing Board, and additional meetings to bring together again those orchestras with disparate opinions.

Eight original ICSOM charter member orchestras were represented at this President's Council meeting. The combined experience and wisdom present that January night further impressed upon me just how powerful solidarity and self-determination are in realizing the gains we all enjoy today. Current economic difficulties make it more important than ever for ICSOM to summon all its resources to ensure the vitality and future of our orchestras. This is why ICSOM was originally conceived and why ICSOM continues to be relevant today.

## Secretary's Report

Laura Ross



As official taker of notes and keeper of lists for ICSOM I have had a busy time of late.

I continue to post minutes of all ICSOM Governing Board conference calls on the ICSOM website. I am preparing a policy book for the ICSOM Governing Board so

new officers will know what past practice has been. I have also accepted the additional responsibility of keeping the *Senza Sordino* and *ICSOM Directory* mailing lists up to date—they are similar, with nearly 1,200 entries. (Note that while the return labels on *Senza Sordino* mailings have Tom Hall's name on them as editor, the return address is mine. Any changes of address for *Senza Sordino* should be directed my way.)

Another duty is to compile the media surveys that have been received from ICSOM orchestra committees and to report the results to the Governing Board. This input will be valuable in assisting us in the selection of a new ICSOM Media Committee to deal with our ongoing concerns in this field. I also took copious notes of the Chicago media meeting for the Governing Board.

I am now assembling suggestions from officers, delegates, and orchestra members for topics and issues they want to see addressed during upcoming Governing Board conference calls, at the Governing Board's annual mid-winter meeting on February 24, and at the annual conference this summer. Anyone desiring to make suggestions for our mid-winter meeting, the policy book, the annual conference, or for anything else should submit them to me at [lar2vln@comcast.net](mailto:lar2vln@comcast.net) by February 20.

By now delegates should have received the minutes of the 2002 ICSOM Conference. Put a copy in your ICSOM delegate manual and make some copies for your orchestra members to read. Please contact me if there are any recommended changes to the minutes. Formal approval of the minutes will take place at the 2003 conference. Thanks to former ICSOM Secretary Cindy Lewis and to *Senza Sordino* Editor Tom Hall for their assistance in preparing these minutes.

[And congratulations to Cindy on the publication of her new book, *Broken Embouchures*. It's about embouchure problems, and it is available at [www.embouchures.com](http://www.embouchures.com).]

The Governing Board will soon begin preparing resolutions to be put forward for consideration at the 2003 conference, addressing policies our orchestras should follow and proposing amendments to ICSOM bylaws. (One resolution will call for removing the onerous requirement that bylaw ratification votes be sent by registered mail. Unfortunately, we will have to follow this antiquated process until such a bylaw is ratified.) We hope to have many resolutions ready for distribution when delegates receive their pre-conference mailing this spring.

Thanks to those of you who have provided assistance. I, in turn, am here to assist you and your orchestras. ICSOM is about communication. Please do not hesitate to contact me.

## Treasurer's Report

Michael Moore



ICSOM maintains two special funds established over the years by delegates to ICSOM conferences.

The **Mendelson Fund** memorializes the late Ralph Mendelson, a violist in the New York Philharmonic for 26 years and chairman of ICSOM from 1970 to 1974. In 1982 and 1984 ICSOM and the Association of Arts

Administration Educators (AAAE) gave the Mendelson award for the best paper written by a graduate student on labor relations in the symphonic or operatic field. Winners received a cash award of \$500, and copies of the winning paper were distributed to the memberships of ICSOM and the AAAE, to selected libraries and foundations, and to others supportive of symphony and orchestra musicians. The Mendelson Fund was subsequently used to annually provide a \$500 scholarship to the Congress of Strings until that organization's discontinuation. The Mendelson Fund is now maintained by contributions mandated by ICSOM bylaws (\$1.00 *per capita* from dues) and provides scholarships for winners of the Sphinx Competition. As reported in Brian Rood's column in the last issue, the Sphinx Organization supports young minority-group musicians.

The Mendelson Fund currently contains approximately \$30,000. One dollar from each of ICSOM's 4,173 musicians plus a yearly withdrawal of \$327 (from \$480 interest earned) provides the \$4,500 we give in scholarships. The fund is currently self-perpetuating.

The ICSOM **Emergency Relief Fund** (ERF) provides loans to ICSOM orchestras requesting financial aid during work stoppages or other emergencies, under conditions set forth in the ICSOM bylaws. The ERF was conceived and created by ICSOM orchestras in 1965, five years before the establishment of the AFM Symphony-Opera Strike Fund. In its early years, the ERF was able to lend amounts up to \$2,000 to orchestras that needed help during strikes and lockouts. The money could be used to aid musicians in any way as determined by the orchestra.

In 1974, when it became clear that the ERF could not continue to provide adequate loans without an increase in assets, ICSOM orchestras ratified a bylaw permitting an amount equal to \$2 per musician in each member orchestra to be taken from dues payments and added to the assets of the ERF. As a result, the amount of money available to member orchestras increased from \$10,000 to \$23,000 in one year. This procedure was suspended in 1980, and the fund is now sustained without help from dues payments.

The cash balance in the Fund as of December 31, 2002, was \$228,816. The amount currently available to each orchestra, 15% of that amount, is \$34,322.

If only six orchestras needed to borrow the full 15% from the fund, the ERF would be nearly depleted. Delegates should be prepared to discuss the ERF, and proposals to increase it, including reinstating the \$2 taken from dues, at the 2003 ICSOM conference.

## Editor's Report Tom Hall



Our December issue ran to twelve pages and provided coverage of the 2002 conference, wording of all resolutions passed at that conference, and reports from every member of the Governing Board. The present issue continues to show your ICSOM Governing Board at work, looking to the rank-and-file constituency for direction and input. The Chicago

meeting on electronic media, to which more than half the ICSOM member orchestras sent representatives, is a prime example.

Several issues came into focus for me at this meeting.

I was reminded that leadership has two sides. A governing body must lead its constituents in the way they wish to go, or the leaders will soon find they have no troops marching behind them. A governing body must also use its collective judgment about what is right and best for those it leads, even if the followers disagree. It's a tricky matter of balance.

There are orchestras who believe that one national contract should govern all, even if that means lost work opportunities for some. Some orchestras advocate allowing local variation to generate more work, even if that makes it more difficult for other orchestras to negotiate higher rates for similar work. The difficult task is to reconcile these differing points of view and find something that is acceptable to all even if not fully satisfactory to everyone.

An oft-mentioned concept in all of this is *flexibility*. We heard this nice-sounding buzzword a lot in Chicago. It's hard to object to flexibility, but it's a problematic concept. How much flexibility is too little or too much, and how much is just right? If flexibility allows orchestras to compete against themselves and undercut each other, it's no good. If flexibility is lacking to the point where work dries up, that's no good either.

Flexibility is also an issue for the AFM. Is the Federation leadership to be flexible in enforcing national agreements? If orchestras, backed by their locals, appeal to the Federation for "variances"—less favorable deviations from a national agreement—does the AFM say OK and risk the wrath of other orchestras, or does it insist on strict adherence to the agreement and alienate musicians who might lose work as a result?

Your ICSOM leadership continues to address these difficult issues as the call for media negotiations goes out. Your input continues to be an important factor in what will result.

**A reminder that dues were to have been paid by December 31, 2002. As of this printing, several orchestras had still not submitted dues. If your orchestra has not yet collected dues, please do so and send them to the treasurer as soon as possible. Dues provide nearly all of ICSOM funding.**

## Member-at-Large Report Richard Levine

The ICSOM Governing Board maintains a direct link to its constituent orchestras through its members-at-large. Each of us is assigned a list of orchestras with which we attempt to maintain close contact. Our goal as members-at-large is to keep abreast of notable situations in our orchestras, both as they arise and on a continuing basis. In addition, we try to maintain an open line of communication so that delegates have a ready resource available whenever they may need it. Of course, communication is a two-way street, so delegates do their part by letting their members-at-large know when something significant occurs in their orchestras and by directing their orchestras' concerns to the entire Governing Board through us.

Recent changes in the composition of the Governing Board have seen two new members-at-large put into service. Since neither Paul Ganson nor I have long-standing relationships with our orchestras, the Governing Board has taken this opportunity to redistribute the member-at-large orchestra assignments. Most of the changes were accomplished through a redistribution of orchestras on Paul's list and mine, although there were additional changes. Jay Blumenthal, as before, is maintaining contact with most of the pit orchestras, and we have divided the remaining orchestras with a view to both orchestra size and time zones.

Here are the new member-at-large orchestra assignments:

**Jay Blumenthal:** Chicago Lyric Opera Orchestra, Houston Symphony Orchestra, Jacksonville Symphony Orchestra, Metropolitan Opera Orchestra, Milwaukee Symphony Orchestra, New York Philharmonic, New York City Ballet Orchestra, New York City Opera Orchestra, North Carolina Symphony, San Francisco Ballet Orchestra, San Francisco Opera Orchestra, Saint Paul Chamber Orchestra, Syracuse Symphony Orchestra.

**Paul Ganson:** Atlanta Symphony Orchestra, Boston Symphony Orchestra, Buffalo Philharmonic, Charlotte Symphony Orchestra, Cleveland Orchestra, Columbus Symphony Orchestra, Detroit Symphony Orchestra, Florida Philharmonic Orchestra, Grant Park Symphony Orchestra, Louisville Orchestra, Nashville Symphony, Minnesota Orchestra, Rochester Philharmonic Orchestra.

**Richard Levine:** Alabama Symphony Orchestra, Colorado Symphony, Dallas Symphony Orchestra, Fort Worth Symphony Orchestra, Honolulu Symphony Orchestra, Indianapolis Symphony Orchestra, Kansas City Symphony, Los Angeles Philharmonic Orchestra, Oregon Symphony Orchestra, San Antonio Symphony, San Diego Symphony Orchestra, San Francisco Symphony Orchestra, Utah Symphony Orchestra.

**Mary Plaine:** Baltimore Symphony Orchestra, Chicago Symphony Orchestra, Cincinnati Symphony Orchestra, Florida Orchestra, Kennedy Center Opera House Orchestra, National Symphony Orchestra, New Jersey Symphony Orchestra, Philadelphia Orchestra, Phoenix Symphony Orchestra, Pittsburgh Symphony Orchestra, Saint Louis Symphony Orchestra, Virginia Symphony.

## **Member-at-Large Report**

### **Jay Blumenthal**

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*The following report, written by New York Philharmonic ICSOM delegate William Kuyper, was submitted for the December issue but had to be deferred until now. Tour Committee members Carol Webb and Jim Markey contributed to this report on the NYP's recent tour to the Far East.*

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### **Anxiety on Tour: The New York Philharmonic in Manila**

**by Bill Kuyper**

Once again the touring musicians of the New York Philharmonic found themselves in a situation of heightened anxiety because of the threat of terrorism. On September 11, 2001, they were stranded in Germany, fearful of what was happening in America and wondering how they were going to get home. On October 21, 2002, they were on tour in Manila, the Philippines, concerned about their security in the face of a bombing in the city.

From the time it was announced, the October segment of the 2002 Asian Tour, celebrating Citigroup's *100 Years in Asia*, had an element of risk. The political situation and domestic security in India, Malaysia, Singapore, and the Philippines were unstable, with frequent threatening reports and events. In the spring, the orchestra's appearance in Mumbai (Bombay) was canceled. The orchestra's tour committee kept the security issue before management on a regular basis.

At the opening of the 2002-2003 season, just before the tour, reports of new violence in the Philippines brought heightened concern to our membership. Management assured us that this activity was in the south and not a threat in Manila itself. In spite of this, many members expressed grave concern about performing in Manila. Local 802 was asked to assess possible consequences for any New York Philharmonic musician who might refuse to go on the tour. A letter from Local 802 was sent October 10 advising us that any "wild cat" action might be illegal and therefore might put a musician in jeopardy of disciplinary action. In the end, the tour began as revised, with Mumbai canceled and an extra concert scheduled for Singapore. The orchestra left New York for Beijing on Sunday, October 13.

In the wee hours of Saturday, October 19, musicians found message lights flashing in their hotel rooms. A recorded voice informed them that a special communication had been put under the doors of their rooms. The memo explained that in light of a bombing in Manila the day before, and after extensive meetings with security forces, our schedule would be changed and that we would leave the city Sunday, a day early, our day off. It also stated that since the New York Philharmonic was not directly threatened, the Saturday concert would still be performed. Additional security measures would be put in place to assure our safety. A general meeting of the touring group was announced for 9:00 AM.

Attendance at that meeting was high. Zarin Mehta, Philharmonic executive director, told the group about events and meetings with security and Citigroup officials. He reviewed the situation and confirmed both the schedule change and the decision to perform the concert that evening as scheduled. Our tour security consultant, Charles "Chuck" Lee, Jr., gave assurances of the heightened security measures and shared his dissatisfaction with the operation of our police escort to the concert Friday night. Local officials had promised to do better Saturday.

Questions and comments by musicians covered many aspects of the situation:

- not giving in to a threat;
- acknowledging escalated danger;
- expressing the belief that danger was everywhere, even at home at Lincoln Center;
- telling how the union, as represented by the tour committee at the time of a reported bomb threat in Bombay in 1984, allowed each musician to decide if he or she could and would perform;
- reminding the membership of Local 802's October 10 letter advising us about the concerns of a "wild cat" action;
- questioning what the role of a musician should be in the face of today's troubling, often dangerous, political scene; and
- asking for a closed orchestra meeting.

After words of encouragement and appreciation from management, the meeting was dismissed without any change of status. Some 25-30 musicians stayed behind for further discussion, but no formal action was proposed or acted upon.

We were thankful that the concert that night, and the departure Sunday morning, took place without incident.

This writer ponders the following questions:

- What is the role of a musician in today's often dangerous political scene? For years we have seen ourselves as "goodwill ambassadors."
- When is a situation too dangerous? Who defines the level of danger?
- What individual rights should a musician have in regard to his or her personal safety when being presented in a musical performance at a time of escalated danger?
- What is the role of the AFM and its locals once an orchestra is at a distant location and the level of danger escalates? Should orchestra committees be given full authorization to act as an agent of the union?

## **Member-at-Large Report** **Mary Plaine**

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*Some readers of the paragraphs about the Saint Louis Symphony in the last issue of Senza Sordino asked for additional information. The Saint Louis ICSOM delegate has written the following piece to explain the activities of the musicians in her orchestra.*

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### **The St. Louis Symphony Orchestra Forum** **by Tina Ward**

The St. Louis Symphony Orchestra (SLSO) Forum was formed in September 2001. Despite the remarkable \$40 million challenge grant from the Taylor family (Enterprise Rental Car) in December 2000, the severity of the SLSO's financial crisis was evident. The management approached the musicians asking for deferral of the \$50 weekly scale increase called for in the collective bargaining agreement. The musicians accepted the concession on the condition they be able to discuss the financial situation and possible outcomes with board and management. The SLSO Forum was established as the discussion vehicle, with the Musicians' Council (the nine-member orchestra committee), selected trustees, and senior staff sitting at the same table.

During the first SLSO Forum sessions, the musicians were intent on making the point of how a business plan that immediately cut \$7 million out of the Symphony's budget, including musician pay cuts of up to one-third of scale, would disastrously affect the organization. Trustees voiced their concern that the organization live "within its means." Thus the early sessions were unsatisfying and unproductive. A musician-led effort to retain a summer season by revamping the venue and repertoire, which had been entirely pops for 25 years, failed as time ran out before new programming could be put in place. It became clear that it would be logistically impossible and economically unfeasible to salvage the series in the short term. However, learning on all sides took place. Musicians and board members began to see each other as human beings and understand each other's language.

A negotiating team was elected and the orchestra agreed to a concessionary contract with less than a 10% reduction in scale. A business plan required the raising of \$29 million cash in hand in less than a year. The SLSO Forum continued to meet. The direction of the meetings was vague. Issues of who would set agendas and chair meetings remained unresolved. The meetings were used to discuss foundation support and the kind of music director the SLSO needed. One productive discussion was about uncommitted services in May and June, and it was decided to commit this resource to community outreach. Thus a successful series of free concerts in area parks, supported by local government, was born.

The SLSO Forum continued to lack focus, and the musicians requested outside facilitation. With some staff and trustee support for a facilitator, John McCann, with whom some SLSO Forum members had worked in Mellon Foundation's Orchestra Forum meetings, was bought in to facilitate the session in May 2002. Following the success of that session, the group met in September 2002 without a facilitator and agreed to a year-

long agenda of discussing core values and vision. The decision was made to use a local facilitator, and ground rules were established.

Now in its second year, the SLSO Forum has become a non-policy-making discussion group allowing musicians, trustees, and staff to speak to issues that may determine the future direction of the St Louis Symphony. This group is still very young and the dynamics are evolving, but it holds the potential of becoming a vehicle for productive and meaningful discussion.

In January 2003 John McCann presented the first of a series of workshops on communications and leadership training that he will be giving over the next six months. The training is available to any musician willing to make the commitment to attend and do the required reading and homework assignments. The first session focused on our core values and purpose as individuals, a seminar group, and an institution. The thirteen musicians who attended this session were excited by the concepts and experiences. Directly following the session was a meeting of the SLSO Forum.

Those musicians who participated in the training and also in the SLSO Forum felt better informed to discuss the SLSO's core values. Already the benefits of the communications and leadership training could be practically applied.



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*The following update on the **Phoenix Symphony** was prepared with the assistance of Phoenix ICSOM delegate John Lofton.*

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There have been several changes in Phoenix since our report in the last issue of *Senza Sordino*. A new president and CEO has been hired. Maryellen Gleason is an accomplished businesswoman whose educational background includes a Bachelor's degree from Harvard University and an MBA from the Kellogg Business School at Northwestern University. She has lived in Phoenix for most of the past 17 years. Her husband performs with the PSO as principal trombone. Ms. Gleason became the strongest candidate based upon her knowledge of the local terrain, her track record of success, and her confidence in her ability to turn around the symphony organization.

Since her arrival in December 2002 several changes have occurred. The PSO is initiating a capital campaign with a goal of \$30-35 million; about \$5 million will go to the operations budget and the rest will go into the endowment. The PSO has hired Susan Wahlen to head the campaign; she recently did a similar campaign in Cleveland. There have also been several changes in our office personnel. We now have a new marketing director, a new director of finance and administration, a new general manager, and a new operations manager. Additionally, we have engaged a public-relations firm to replace our departing PR manager.

PSO musicians are hoping to engage the board in reviewing our mission and developing a vision of the future. We want to use this process to help

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**Phoenix***(continued from page 6)*

our orchestra to achieve organizational integrity and to develop artistically. We have identified funding sources and engaged the Symphony Orchestra Institute to assist us, and we hope to begin this process by May.




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The following news from the **Pittsburgh Symphony** is submitted by orchestra committee chair Hampton Mallory on behalf of Pittsburgh ICSOM delegate Chris Allen.

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The Pittsburgh Symphony is in a very uncertain period right now, with some positive signs and a lot of negative signs visible simultaneously.

The orchestra is in a financial crisis. A deficit of \$1.5 million is expected for this season. While this amount is not terribly large as a percentage of the budget (around \$29 million), the organization is operating perilously close to the edge since the operating reserve portion of the endowment has been depleted. The value of Pittsburgh's endowment has declined from \$130 million in 2000 to less than \$90 million today. The orchestra faces a severe cash-flow problem later this season, and only some fast financial footwork will enable the organization to meet payroll in July or August. Senior staff has taken a 10% pay cut, and middle managers an 8% cut. Strict cost-cutting measures are being deployed, including some repertoire changes to minimize extra player expenses.

Pittsburgh is in the midst of an accelerated annual fund drive, spearheaded by a \$100,000 challenge gift offered by the musicians. The musician challenge will be met if 1,000 subscribers (out of 4,000 non-donor subscriber households) who have not previously given to the annual fund donate a total of at least \$100,000 this season. Since December 6, individual members of the orchestra have made a series of "curtain speeches" directly to the public, explaining the challenge and asking for support. So far, those speeches have been well received, and the fundraising is moving along at a promising pace. The players will continue to speak to the public over the next few months to update them on the progress of the challenge.

In addition to the bad financial news, the orchestra is looking for a new music director, managing director, board president, development director, and assistant conductor, all more or less at the same time. As if that weren't enough, the players are in the final year of a five-year labor agreement, due to expire on August 31, 2003. At this point there is little reason for optimism about the negotiations. The board is very focused on the financial bottom line, aggravated by a sharp falloff in attendance this season at both the classical and pops series.

The music director search is underway behind closed doors (there are six musicians on that committee), the manager search is just being organized, and there is no heir apparent for the board presidency. Through all of this, the musicians are trying to stay upbeat and confident. The PSO has weathered many other challenges in its distinguished history, and its musicians remain committed to doing everything they can to maintain the viability and artistic integrity of the orchestra well into the future.

## ICSOM Online

### Robert Levine

The Internet is the most significant advance in communications technology in our lifetimes. ICSOM was a very early adopter of the Internet as a way to communicate and distribute information

The ICSOM Governing Board began to use email to communicate in 1993. An online news service letter, *DOS Orchestra*—with apologies to the German publication *Das Orchester*—was established in June 1994, and 58 issues were published and sent to subscribers via e-mail. *DOS Orchestra* was superseded in June 1996 by a new service, the Internet mailing list **Orchestra-L**, which provides news and a forum for discussion. The subscriber list has grown steadily over the years and now consists of several hundred subscribers on five continents. *Orchestra-L* is open to unionized orchestral musicians and related unionized professionals only, and is intended as a forum for them to share their professional concerns and exchange information and ideas. ICSOM musicians can subscribe by sending a request to me at [rtl@icsom.org](mailto:rtl@icsom.org).

ICSOM set up its website, [www.icsom.org](http://www.icsom.org), in January 1995 (less than two years after the first version what was to become Netscape Navigator was released by the National Center for Supercomputing Applications), thereby becoming the first support organization in the orchestral field to do so. The website has grown in content ever since. It now contains all ICSOM settlement bulletins since 1994, all issues of *Senza Sordino* since 1993, and a wealth of other information, including proceedings of recent Governing Board meetings, ICSOM conferences, ICSOM financial statements, and links to other useful information and relevant websites.

**Media-L** has just been established. This forum will allow extension of the dialog which took place at the Chicago media summit reported elsewhere in this issue. Representatives of ICSOM orchestras who attended the Chicago meetings were automatically subscribed. Any other musicians who are members of AFM orchestras and are interested in participating in discussion of electronic media issues are welcome to join by sending a request to me at [rtl@icsom.org](mailto:rtl@icsom.org).

Another electronic "first" for ICSOM has been the **ICSOM CD-ROM**. The first version of this project, made possible by the advent of the recordable Compact Disc, was produced in 1997. The contents included many of the collective bargaining agreements then in effect covering AFM symphonic orchestras, as well as the entire archive of *Senza Sordino*, ICSOM bulletins for the previous few years, and other material of interest to the orchestral labor activist. All documents were in the Adobe® .pdf format. The disk was usable on both Macintosh and MS Windows computers, and included the software necessary to read and search through the files. Several versions have been produced since 1997, and a new version will be available by this summer's ICSOM conference.

Both the AFM and the American Symphony Orchestra League have tread (after some time had passed) in ICSOM's footsteps with their own CD-ROMs, email lists, and websites—yet another example of the leadership role ICSOM has always played in our field.

## Media

*(continued from page 1)*

Concern about media and the EMF was the focus of the March 2002 issue of *Senza Sordino*, entitled "The Great Electronic Media Debate." Many orchestras contributed to this issue, and it was apparent therein and at recent ICSOM conferences that there is disparity of opinion among major players about the content and style of negotiations.

These disagreements came into sharper focus at the Chicago meeting. The time was at hand to determine if collective action on media was indeed possible and what direction it would take. Consensus, if not complete agreement, was needed.

And there did indeed seem to be some consensus. Most orchestras spoke in favor of national agreements, up-front payments, and traditional bargaining. Other orchestras advocated greater flexibility in media agreements, allowing for local control; exploring revenue sharing as an alternative to or supplement to up-front payments; and not completely discontinuing interest-based or facilitated bargaining.

Electronic Media Guarantees (EMGs) and the ways different orchestras use them was also briefly discussed.

At the afternoon session, in addition to addresses by AFM President Tom Lee, AFM Secretary-Treasurer Florence Nelson, AFM General Counsel George Cohen and Associate General Counsel Patricia Polach, ROPA President Barbara Zmich, and ICSOM Chairman Jan Gippo, orchestra representatives again had the opportunity to voice their views before AFM, player conference, and local union leaders.

Toward the end of the session President Lee addressed the issue of enforcement of national media contracts. He has provided a statement on this topic for this issue (see adjacent column).

Counsel Cohen closed the session by observing that the record industry is not what it once was and that most future recording will likely be at a local level, not driven by the recording labels. He recommended that orchestras closely examine the EMF Fact Report. Unilateral agreements—Radio-to-Non-Commercial and Limited Pressing—can be changed if that is what orchestras agree they want. The AFM has captured work that did not fit into the major agreements by negotiating national low budget agreements that work. Any new agreements that incorporate revenue-sharing must require sharing from the first dollar, not after expenses.

Time was too short, and gray areas remained, but these meetings proved to be valuable exercises in bringing ICSOM constituents together to discuss this important issue face to face. The ICSOM Governing Board wishes to thank Brian Rood for all his hard work in making arrangements at the O'Hare Hilton, and to AFM President Tom Lee and local unions for subsidizing these historic meetings.

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*ICSOM Secretary Laura Ross contributed to this story.*

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## A Statement from AFM President Tom Lee

A union's main source of strength is its members' support. A union can negotiate agreements, but without its members' support, contract enforcement is difficult. Basic to the support of any negotiated agreement is whether or not the bargaining unit or their representatives fully understand all aspects of the proposals. With symphonic recording, the matter is often so complicated that only a few can understand the issue's complexities and nuances. That is why the meeting that I called on January 13, 2003, was so important. It gave the Federation an opportunity to participate with local officers and their player representatives from recording orchestras.

The discussion focused on symphonic recording and more specifically radio-to-non-commercial recording. This discussion was long overdue, and I appreciate the attendees' taking the time to meet with the AFM leadership. It was refreshing to hear directly from orchestra representatives on a topic that had become so divisive.

The controversy surrounding radio-to-non-commercial has been divisive on various levels. This weakens enforcement of the agreement. In a perfect world, the unity of the members of the bargaining unit would negate the need for enforcement procedures. If all members accepted the notion that an injury to one is an injury to all, no one would attempt to work outside the agreement: the enforcement mechanism would simply be the commitment of all members to honor agreements.

When that is not the case, it is up to the members, the locals, and the Federation to deal with enforcement. The most open and direct method of enforcement is for members to work out their differences through member-to-member communication. If this is unsuccessful, the AFM bylaws may then be used for the same purpose.

In my view, the most powerful mechanism for enforcement is through a thorough discussion by all participants. Creative compromises, education, the commitment of members to communicate with each other, and solidarity can ensure that agreements are not violated.

Again, I want the participants to know that the Federation officers appreciate your attendance at this meeting. Through this kind of activity, our symphonic bargaining units participate directly and provide much needed input on Federation agreements. This can only make our union, and your bargaining power, stronger.



## **TEMPO: A Cause to Support**

**Jan Gippo, ICSOM Chair**

Culture in America is about money. Every artistic institution in America is vying for the same money from federal, state, and local governments; from grants and foundations; and, most of all, from generous patrons. In every city in the United States, arts institutions in general and symphony orchestras specifically are asking the same patrons over and over again for yearly operating funds and large donations for endowments. This pool of money is not endless, especially considering the rising number of yearly requests and the increase of yearly budgets. The only way arts institutions are going to survive is for the public perception of the arts to change. The public must become sophisticated enough to understand the need for poetry, literature, theater, painting, sculpture, and symphonic music. These are not merely entertainment, but have an artistic view and make meaningful statements about everyday events. These views and commentaries of art are essential for a society to be able to see itself and improve. It is inconceivable that serious music and the other arts wouldn't be at the forefront following national disasters such as the terrorist attacks of 9/11 or the death of a President, or at a wedding or worship service.

In every community in the United States there is some kind of symphonic music, and each one of these orchestras needs public support. Although all the arts are important, it is the symphony orchestra that is the standard-bearer of the artistic institutions in the community. Even communities without museums usually have small symphony orchestras that provide all the arts for that city. Without a change in the understanding of our culture and the understanding that the arts should be the leader of this culture, the arts will suffer and eventually shut down because of apathy and the lack of funds. Each orchestra has some kind of outreach program. These programs are absolutely necessary. They mostly target children, however, and to make a paradigm change in an entire society, just targeting schools will take too long. The leadership of the nation must become interested and excited about the arts in general and symphonic music specifically.

Here is where TEMPO, the political action fund of the Federation, becomes particularly important. It is on Capitol Hill that the battle for recognition is fought. With enough money, there is access to lawmakers. Once in the door, our case can be stated, and we can keep stating our case as long as that door is open. So just what is our case? I believe that we need to show that we are not simply making a plea for more federal funding, but that we are interested in becoming self-sustaining with legislative help. We need to be heard on topics that affect us directly: carry-on baggage regulations, royalties, copyright, tax issues, the National Endowment for the Arts, and, most important, fund-raising laws and mechanisms that could make giving much more attractive to the patron-investors we need.

Individuals must fund TEMPO; no money can come from the operating budget of the Federation. With that in mind, I propose that each ICSOM orchestra member pledge \$10.00 a year to TEMPO. A payroll check-off of \$1.00 a week for ten weeks, or \$2.00 for five pay periods, or a one-time deduction of \$10.00, is easy to arrange. This money would be marked for TEMPO and would be sent to the Federation along with the AFM Strike Fund payment. The orchestra's accountant would only have to send a list of names with the amount to the Federation to be able to show the IRS that there were separate funds specifically earmarked for TEMPO. Those orchestras with-

out a mechanism for dues check-off would need to develop another way to contribute.

ICSOM would have a sub-committee consisting of governing board members, delegates, and other orchestra musicians that would stay in touch with our AFM legislative director in Washington, Hal Ponder, and make progress reports to our membership. At the 2002 ICSOM Conference I stated that we would think outside of the box and that we would think globally. Here is our first call to action. The symphony orchestra industry of the United States is very important and influential. I believe we can make our presence known, and with Senators and Representatives speaking about us and for us, we will get the attention we need. It is then up to us to "close the deal." More on that in the future.

I hope you will all participate. Try it for two years. Your risk is only \$20.00, but your gain could be astonishing.

## **Directory Update**

As you read this issue of *Senza Sordino* the 2002-2003 ICSOM Directory is at the printers for production and mailing to your orchestra's ICSOM delegate.

Despite the good intentions of all involved, the arrival of the directories in the hands of ICSOM orchestra musicians always seems to be a month or so later than was planned. The Governing Board decided, as it has in the past, that it was better to wait until all delegates had updated their orchestras' information than to go to press on the original schedule with some orchestras left out. This year we tried a new system for allowing delegates to update directory information, which involved using an online database service called *Quickbase*. But, because it was a new system for us, there were some teething problems that also pushed the schedule back. We hope that, now that the data is in the proper format for online updating, we will be able to let delegates begin the updating process in September, which should advance the schedule considerably.

The burning question in everyone's mind when they receive their ICSOM Directory is, of course, "what the heck is that piece of music printed on the cover"? We will try to pick a work that will make answering that question as challenging as possible.

Mary Plaine and Robert Levine  
ICSOM Directory Supervisors

Fred Sautter (Oregon Symphony) has resigned his position as ICSOM Governing Board member-at-large. The Governing Board, in accordance with ICSOM bylaws, has appointed Paul Ganson (Detroit Symphony) to fill the unexpired term. Elections for all member-at-large positions will be held at the 2003 ICSOM Conference.

## Counsel's Report

Leonard Leibowitz

### Another Opening, Another Blow



In my experience, this is the worst of times. During the last thirty years I have witnessed “troubled orchestras,” and even an occasional “lost orchestra,” but never to the extent and seriousness we have experienced since just before the turn of the century. Over these last few years we have suffered through fiscal crises in the orchestras of Saint Louis, Houston, Toronto, Phoenix, Milwaukee, Baltimore, Buffalo, Louisville, Colorado Springs, and

others. We have heard rumblings of impending difficulties in Pittsburgh, Cleveland, and even the mighty Chicago Symphony. It appears that we may have lost the orchestras of San Jose and Tulsa.

Typically, the first sign of trouble is an inquiry I receive from the musicians' committee chair: “Our board (and/or management) has asked us to re-open the contract in order to deal with the accumulated (or projected) budget deficit. If we don't agree, they say they will be forced to file for bankruptcy. What should we do?”

Typically, my answer is: do not agree to reopen—yet. That is, you may (and should) agree to meet with them, listen to their concerns, and ask a lot of questions. “How did this happen?” “What steps have you taken to remedy the situation before coming to us?” “Will you open the books to our accountant?” “What do you want us to do?” And, perhaps most important, “If we agree to some concessions, do you have a plan to prevent this from happening again in the foreseeable future?”

#### Verification

If you agree to make concessions based upon your collective analysis of the situation, you should be willing to re-open the contract in order to implement the agreed-upon changes only after you have been given satisfactory answers to the following questions:

- Is the situation truly as bad as they describe it?
- Are your own accountants satisfied that they have received all the data they need, and are they convinced that the books reveal that which management alleges?
- Have you gotten an analysis of the books which explains how and why the crisis has occurred?
- Are there steps other than (or at least in addition to) musician concessions which can be taken to rectify the problem? If so, are they willing to take those steps?
- What is the state of the endowment fund? What is the current value? How much of it is restricted? Are the restrictions donor-imposed or board-imposed? Who controls the fund—the board, or a separate entity created to hold and administer it? What happens to the money in the event the institution dissolves?

- If there is no agreement to reopen, and they choose to file for bankruptcy protection, will it be pursuant to Chapter 7 or Chapter 11?
- And, finally, what is the plan for the future and does it appear to you and your accountants to be viable?

#### Concessions

If you have agreed, albeit reluctantly, to make concessions, you will have to decide the form that those concessions should take. Some thoughts:

*Cut weeks rather than wages.* It may be that there is not sufficient demand in your town for as many weeks of work as you would like. Or perhaps your management has been unable to fully exploit the potential demand that really does exist. Not all orchestras have a year-round contract. But whether or not you have achieved a 52-week contract, the more important consideration, in my opinion, is to maintain reasonable and proper compensation for the weeks that you *are* working.

Most of the arguments we make at the bargaining table—cost of living increases, comparisons with similarly-situated orchestras, the stress and practice time involved in doing the job properly—are made to persuade our employers of the value of our services and to seek appropriate financial (and other) recognition of that value. Thus it appears to me that agreeing to work for a lower salary is the very last concession that should be made, if ever.

And, of course, cutting weeks allows musicians to find other work during those dark weeks, or to receive unemployment insurance, or perhaps just to take some much-needed rest.

Moreover, if you cut salary but not weeks, the board and the community have lost nothing as a result of the crisis for which they are responsible! That is, they get the same amount of music from you, but you get paid less for it.

*Think loans.* Before you agree to make concessions which will involve complete loss of income which you will never recover, consider proposing that any financial concessions you make are to be treated as loans from individual musicians, to be paid back at some agreed-upon date or time in the future.

In 1985, the dancers of American Ballet Theatre were asked to make concessions due to a fiscal crisis. At the time, their collective bargaining agreement guaranteed them 36 weeks of work. In response to the crisis, the dancers agreed to reduce the guarantee for the upcoming year to 26 weeks, as a loan to the company. That is, the amount of earnings, including pension contributions, that each dancer lost by the cut of ten weeks was carried on the books of the company as an outstanding debt to each dancer. Since dancers' careers are relatively short, each of those dancers was paid back the full amount of the loan, with interest, as they retired, quit, or otherwise left the employ of ABT. Although the time of repayment may have to be shorter for symphony musicians, the concept is still viable.

(continued on page 11 – see COUNSEL)

## Counsel

(continued from page 10)

*Be creative.* There are many other possible areas of concession, including those which relate to the easing of certain work rule limitations, which might save management money without actually cutting salary or weeks.

## Rehabilitation

The agreement to make concessions should include a plan of rehabilitation and restoration. Indeed, depending on when restoration is made, the plan may also include increases and/or improvements toward the end of the concession period. That is, if the concessions are to occur immediately, you should insist on extending the current collective bargaining agreement by some period of time within which you are returned to the level of compensation you were enjoying before the concessions, and that level of compensation should be improved in accordance with your best estimate of the level at which you would be had there been no concessions. If you fail to provide for such rehabilitation at the time of making the concessions, you will have given up your best opportunity to achieve restoration and improvements.

Having said that, there is, of course, no guarantee that your management will fulfill the terms of the added contract period, but it's better to have a plan in writing than nothing but another negotiation in the future.

## Equality of Sacrifice

With the possible exception of some shamefully low-paid staff, everyone else in the organization should suffer losses at least equal to those suffered by the musicians. The reasons for insisting on this condition before making concessions appear to me to be self-evident.

## Non-economic Improvements

There is no better time to achieve improvement in working conditions, job security, and other areas which have little or no economic impact to the board than when you are making the kind of sacrifices mentioned above. With the exception of job security issues, many of these items were probably proposed by the union in earlier negotiations but were dropped along the way when economics became paramount. Review your contract and your bargaining notes from the recent past and insist that some of those items be part of the deal.

## Bankruptcy

If, after all of this, you and your management nevertheless reach impasse and you refuse to re-open the contract, they may file for protection under the Bankruptcy Act. In that case you may need legal assistance, but you ought to be somewhat familiar with some basics.

Under Chapter 11 the institution remains in business under the aegis of a bankruptcy judge, during which time a trustee in bankruptcy, appointed by the judge, attempts to work with the board, management, and a group of creditors ("Creditors' Committee") to agree on a plan of reorganization

which will include paying off the creditors (usually in some substantially reduced amount) and continuing in business pursuant to the plan, but without the ongoing oversight of the judge or trustee.

Section 1113 of the Bankruptcy Act describes a procedure for a debtor in Chapter 11 to seek to have the judge set aside the collective bargaining agreement if he or she believes it is onerous and will prevent the debtor from ever achieving solvency. It is a very complicated procedure, but for our purposes it requires that the debtor first attempt to negotiate changes in the contract with the union which are "fair and equitable" to all before applying to the court for rejection of the contract. In the event the collective bargaining agreement is set aside, the union has a right to strike, appeal the decision, or both.

Under Chapter 7 the debtor is seeking to dissolve the enterprise. It calls for the gathering of all assets of the organization, liquidating them, paying off the creditors with the proceeds, and going out of business.

My fervent prayer is that for those of you who have not already faced any of this, that all of the above remains irrelevant to you.

## ICSOM Conference Information



*The 2003 ICSOM Conference will be held from August 20 to August 23 at The Antlers at Vail, Colorado. Additional information will be made available in future issues of Senza Sordino and via bulletin and Orchestra-L.*

**Houston**

(continued from page 1)

seniority, but a month later they reneged on this offer and began asking for concessions, citing "deteriorating economics."

The orchestra feels tremendously betrayed by the turn of events. In 1997 a tumultuous negotiation was settled on the eve of a strike deadline. Immediately after, the musicians agreed to participate in an extensive examination of the HSO's inner workings, a series of task forces supervised by Chicago's Henry Fogel. This process, which helped heal the bitterness of that negotiation, ultimately led to a report recommending numerous structural changes in the organization. The selection of a new board president, Rodney Margolis; the appointment of a new executive director, Ann Kennedy; and, most important, the crafting of a mission statement in November 2000, gave the musicians a sense that the HSO had finally found its way. Financially, the Society had shown a surplus for three straight years, and the chairman of the board proclaimed publicly that the Houston Symphony was in "the best financial shape of its history."

This was before the current economic downturn, of course, and it is tempting to blame the HSO's trouble on the catastrophic collapse of corporate giant Enron, a sagging economy, and a devastating flood which wiped out the symphony offices and music library in June of 2001. The current projected deficit of \$2.3 million, however, has in fact almost nothing to do with these factors. It is caused by the disappearance of a large capital campaign bridge fund (up to \$2 million annually) and of the loss of revenue from Houston Grand Opera (\$800,000 annually, at its peak.) Both of these eventualities were known five years ago, yet no replacement revenues were put in place. Ticket sales, corporate and individual contributions, and foundation grants have been virtually flat for three or more years. The Society claims it has a financial plan in the works but continues to delay its announcement. The musicians have offered concessions totaling over \$500,000, but most have been dismissed or downplayed by the Society's negotiating team.

The negotiations have proceeded ponderously because of the management's insistence on the wage cut, because there has been great difficulty in scheduling meetings, and because the players are negotiating directly with board members. Astonishingly, CEO Ann Kennedy has recused herself from the talks.

In December ICSOM Chairman Jan Gippo and Counsel Len Leibowitz came to Houston to discuss the situation with us. Their insights were appreciated by all.

By the time you read this our situation may have changed substantially. Music Director Hans Graf is back in town, and pressure is building from all sides. The musicians of the Houston Symphony have created a website, [www.upbeat.org](http://www.upbeat.org). Please check the site for an explanation of our position in detail and for the latest developments.

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

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A Conference of the American Federation of Musicians — AFL—CIO

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# Senza Sordino

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## Strike and Settlement in Houston

by David Waters, Houston Symphony ICSOM Delegate

As reported by Roger Kaza in the February issue of *Senza Sordino*, we musicians of the Houston Symphony had been working without a contract since October 2002. Our management had asked for significant pay cuts, changes in contractual rules, and cutting five string positions by attrition, and we had filed charges of bad-faith negotiating with the National Labor Relations Board. Here's the rest of the story.

Just after the *Columbia* space shuttle disaster we played a free memorial concert on February 5 with our music director, Hans Graf, conducting a program that included Beethoven's *Eroica* Symphony.

Dave Kirk, our orchestra committee chairman and spokesman, made many appearances, including those at the City Council and before the *Houston Chronicle* editorial board. He made statements at many events for television and radio and wrote press releases almost constantly from October on.

We hired an excellent public relations firm with a lot of experience in political and media areas. The firm was valuable in giving advice, creating media events, getting information and opinions that favored our cause into radio, television, and print, and helping our leaflet campaign.

We distributed leaflets with our information and viewpoint at almost every concert from September on. Our public website, [www.upbeat.org](http://www.upbeat.org), grew steadily, and our webmaster, Tim Garland, produced a private site for us with background and current information about meetings and directives.

Many letters of support were published in the *Houston Chronicle*. A fair editorial attitude allowed differing points of view to be heard. On February 19 the *Chronicle* ran a great article by Dr. David Gottlieb, former president of the Cynthia Woods Mitchell Pavilion, our summer home. He pointed to the ineffectiveness of our board and described how large portions of Houston's business community were not asked for financial

support. On the same day, the *Houston Press*, a large free weekly paper, published an in-depth article with historical perspective on our orchestra's finances, showing how our board managed to stay in financial trouble even during boom times.

We were scheduled to play at the Symphony Ball on March 7. The Houston Symphony League, our women's volunteer group, raises a large sum at this annual social highlight. As we approached the Ball we needed to decide on a unified plan of action after many months of meetings. Our negotiating committee met with our PR firm and orchestra committee and came up with a plan with the most benefit and least liability, presenting it at the February 24 orchestra meeting: we would continue to play under the terms of the old contract until September 1, and if no agreement had been reached by then, we would strike. This allowed the Ball to proceed, more support to build, and more PR to be done. We would also hold town meetings to gather ideas and lead to a settlement representing a shared vision for the Houston Symphony. We made it clear that if any cuts were imposed, we would strike. We accepted this plan, and it was published in the *Chronicle* on February 26.

On March 4, Society President Jeff Early sent our negotiating committee a "best and final" offer, with cuts in salaries and new proposals (for changes in working conditions and shortening the required notice of bankruptcy or insolvency to one month) which had not been discussed at any previous meetings. The Society set a deadline of 2:00 PM on March 8 for us to accept the offer.

The earliest the orchestra could meet was Friday, March 7. Our negotiating committee offered a counter-proposal with drastic cuts totaling \$1.1 million in one year, as the Society had requested all along. Our proposal also contained a plan to gradually bring us back toward a competitive position over four years. Less than 45 minutes after receiving the proposal, the Society repeated its final offer. On Saturday, after the 2:00 PM deadline, they decided to allow the orchestra to play the second of three Irish Pops concerts that night and then to unilaterally impose their "best and final" offer. On Sunday, March 9, we went on strike.

At that final concert on Saturday, we passed out flyers with a picture of the Society's lawyer, who had rejected our proposal. On Sunday we held a picket demonstration at his home, with good television coverage. That night we held a long picket vigil at Jones Hall at concert time, with a live brass group. We picketed Jones Hall three times a day. We held "guerilla" concerts with our 10-piece brass group in front of the lawyer's firm and at the bank where the Society president works. Tom Elliott, our representative to the Society's Executive Committee, gave an admirable address at its meeting on March 11 and described to us its state of disarray.

(continued on last page— see HOUSTON)

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## Chairperson's Report

Jan Gippo



The annual mid-winter meeting of the ICSOM Governing Board took place in St. Louis on February 24, 2003. Even though a snowstorm created havoc with all the airlines and forced us to start nearly an hour late, we were able to cover all of our many agenda items.

The meeting began with an attempt to determine exactly who should be listed in the

ICSOM Directory, and a subcommittee was appointed to formulate a proposal for discussion at the annual conference. The Governing Board is dedicated to producing the directory in a timely and useful fashion, and we looked at deadlines for submitting names, for publication, and for distribution. With a new method of updating the directory online, we believe that orchestras can and should provide directory information by December 15 and that the publisher should have all the material by January 15.

We next examined ICSOM finances. Thanks to Michael Moore, our record-keeping is clear and current. Tardiness in payment of dues continues to be a frustrating problem, and the Governing Board will submit a proposal at the annual conference addressing this. We discussed establishing standing honoraria for work provided by the annual conference coordinator, an ICSOM archivist, the ICSOM webmaster, and Senza Sordino production manager. We also reached agreement on terms of a three-year contract with our esteemed legal counsel, Leonard Leibowitz, subject to delegates' approval.

Our conductor evaluation program is important, but we believe that the current system has some problems: a subcommittee headed by Brian Rood will have recommendations for delegates' consideration at the 2003 conference. Orchestra-L access and membership were discussed, and there will be some proposals to consider in this area also.

In accordance with ICSOM bylaws we appointed a Nominating Committee. Herb Winslow (St. Paul Chamber Orchestra) will serve as chair. With our consent, Herb selected Nancy Agres (Indianapolis Symphony) and Trevor Johnson (Louisville Orchestra) to serve as well.

A new Media Committee was appointed. Bill Foster (National Symphony) will be the chairman. Other members are Paul Frankenfeld (Cincinnati Symphony), John Koen (Philadelphia Orchestra), Steve Lester (Chicago Symphony), Laura Ross (Nashville Symphony), Fiona Simon (New York Philharmonic), and Rich Weiner (Cleveland Orchestra). ICSOM President Brian Rood and I will serve *ex officio*.

The Governing Board is working to improve communications, to inform all symphony musicians of important topics, and to create legislation to ensure that the collective voice of our 51 orchestras of ICSOM is heard and respected.

(continued on page 5— see CHAIRPERSON)

## President's Report

Brian Rood



Several ICSOM orchestras are reporting critical financial conditions. These reports focus on orchestra deficits and demands for wage concessions from musicians.

Some of these orchestras are ones that have been in trouble many times before. The San Antonio Symphony has postponed paydays to its musicians and sometimes issued only partial paychecks. The Louisville Orchestra is projecting a large deficit this year and is seeking concessions of 17% from previously negotiated compensation. The Florida Philharmonic is yet another orchestra with financial concerns.

But there are also orchestras not usually regarded as “troubled orchestras” that are reporting severe financial problems, due at least in part to the fallout from the terrorist attacks of September 11, 2001, and to the continuing downturn in the economy and subsequent decrease in corporate and individual giving and in endowment income. The Chicago Symphony Orchestra is reporting a significant deficit. Pittsburgh's endowment has lost approximately \$40 million. Preliminary budget projections in Milwaukee show a shortfall approaching \$2.5 million. Musicians of the Baltimore Symphony recently agreed to reopen their contract and accept modifications, including deferred pay raises. As reported elsewhere in these pages, the musicians of the Houston Symphony endured a strike due to wage and benefit concessions imposed upon them unilaterally.

Regional orchestras are also facing critical financial times. The Colorado Springs Symphony exists no more after its Chapter 7 bankruptcy, although a new Colorado Springs Philharmonic may follow. The halls in Tulsa and Savannah are dark because managements ended those orchestras' seasons prematurely. Financial conditions concern musicians in Charleston, and there are distressing reports that Charleston's management is considering “tour concerts” in Savannah while Savannah Symphony musicians are unemployed. Additionally, let us remember our colleagues in San Jose, whose management shut the orchestra's doors last year.

Virtually every orchestra in this country copes with budget concerns in some manner every year. Some borrow from established lines of credit. Others trim their budgets to leaner levels. This year, however, musicians are increasingly being asked to “share the pain” during economic difficulties.

ICSOM efforts to assist musicians during such times include:

- Interest-free loans from the ICSOM Emergency Relief Fund, started in 1965 to provide temporary support to member orchestras.
- Well-established networks of musician activists within ICSOM orchestras to help orchestras communicate with each other so that orchestras may observe and learn from each other, offer mutual support, and, most of all, stand together in solidarity. Delegates

(continued on page 9— see PRESIDENT)

## Secretary's Report

Laura Ross



There are days I hate to turn on my computer. Nearly every day we read bad news about this or that orchestra. Sadly, the newspaper articles we read online on Orchestra-L tell only part of the story.

Many musicians are aware that the Houston Symphony was on strike and recently settled, but many don't understand why their Houston colleagues chose to go on strike in the first place. Many don't know that Houston's board refused to provide the financial information they were obliged to share with the musicians, or understand that the musicians were expected to shoulder debts caused by poor management decisions.

In Colorado Springs the newspaper didn't explain what was behind the orchestra's decision to withdraw its objection when management petitioned the bankruptcy court to throw out the old collective bargaining agreement. The musicians believed that they would more likely be successful by starting their own orchestra under their own terms with a new manager and board of directors, than to continue working with a group that expected the musicians to play and be paid only after expenses were met. Where did they ever get the idea that musicians weren't an expense?!

The Savannah Symphony is fighting for its life and pleading for financial support, and newspapers report they might also be fending off a scheme to replace the orchestra with the Charleston Symphony or some sort of regional orchestra—and it's over 100 miles from Charleston to Savannah!

Pittsburgh, Baltimore, San Antonio, Louisville, and Rochester are in the news. All over the country, orchestras are being asked to re-open their contracts. You have to wonder how much of what we are reading is fueling the fire because not only are we not always getting the whole story, neither are the managers. Many of our colleagues hear rumors of problems, while others don't even know these situations are occurring.

We cannot understand the motivation of our fellow musicians if we rely only on newspapers and the Internet. ICSOM, ROPA, OCSM, RMA, and TMA were founded on the principle that what makes us strong is unity, and there can be no unity if there is no communication. If there is a message your orchestra needs to disseminate, or if you wish to request letters and phone calls and e-mail from your colleagues in other orchestras, there are options other than newspapers. I am always willing to do whatever is necessary to help your orchestra get your message out. When the Internet was not so prevalent, bulletins were sent to the orchestras for action within a day or two of the request. Bulletins announced strikes, letter-writing campaigns, financial requests, and settlements. While many requests are made on Orchestra-L and the ICSOM website, I, as ICSOM secretary, am also available to send your message to a wider audience with an ICSOM bulletin. It's there for the asking.

Negotiations will begin for many of our colleagues this spring, while others have yet to settle. I encourage your orchestra's delegate to contact me as soon as you have ratified your new agreement so your colleagues across the country can understand fully the terms of your settlement.

I continue with my duties as "queen of the minutes," having posted fifteen summaries of Governing Board meetings and conference calls on the ICSOM website since August. I am also beginning to gear up for the ICSOM conference mailing this spring. Notices to local union and AFM officers and staff, dissemination of information to all conference attendees, and changes in registration procedures are all under review. Resolutions to be submitted by the Governing Board will be included in pre-conference mailings, and should your orchestra have a resolution it would like to present, it can be sent to me for inclusion in these mailings as well.

Keep the information coming!

## Treasurer's Report

Michael Moore



Your ICSOM dues are spent to publish *Senza Sordino* and the *ICSOM Directory*, provide the Conductor Evaluation program, print and mail bulletins, pay for communications through telephone, email, teleconferencing and listserves, buy computers and software, purchase supplies, maintain bank accounts, pay honoraria, and fund Sphinx scholarships. Our most expensive activities are the annual conference (\$17,000 in 2002), travel (\$21,000 so far this fiscal year), and legal fees.

During the first seven months of this fiscal year we have spent \$89,664. Dues paid to date amount to \$105,000, with five months remaining in our fiscal year. We hope that orchestras (or locals) that have not yet sent in dues will do so soon so that we do not have a cash-flow problem. The Governing Board has the authority to borrow from the Emergency Relief Fund if we get in a bind, but that makes less money available to orchestras in need. Because timely payment of dues is essential to maintaining unimpeded cash flow, the Governing Board will be presenting a resolution at the 2003 conference which we hope will be an incentive to submit dues payments promptly.

On another subject, Governing Board members have accepted a challenge to make significant contributions to TEMPO. TEMPO is vital for the survival of our orchestras. It is money well spent in our own vested interest. Laws don't permit unions to fund political lobbying activities from dues, so musicians must fund TEMPO aggressively themselves. Don't just say, "Hey, that's a good idea. Someone should give them money!" That someone is YOU. *Invest in TEMPO*. If there is enough money, our union can effectively influence legislation that can greatly affect your livelihood. An investment in TEMPO is an investment in yourself.

## Editor's Report

Tom Hall



In addition to its hard-copy publications, ICSOM also “publishes” an online news service, Orchestra-L. One of the more extensive threads on Orchestra-L some months ago—and a topic of continuing interest and comment—has been “Problems at the Airport.” It started with a posting about a bassoonist who had his reeds and metronome confiscated by a security guard.

Pretty soon there were lots of other stories posted about similar problems, about how to deal with them, and about what happens to items that are confiscated by airport security personnel. While some of the stories were humorous—one bassoonist swallowed his reed-soaking water to prove it was not a dangerous substance—others were pretty serious.

Current law allows airlines to create their own policies regarding carry-on items, and it gives them discretion to permit musicians to carry on their instruments. Musicians are at the mercy of individual airline gate agents, and practice is not consistent or predictable.

The airlines control carry-on policy, and the airlines belong to the Air Transport Association (ATA). One writer suggested lobbying the ATA; another reported that his letter to the ATA had been returned marked “Unread.”

The Transportation Security Administration (TSA), a government agency, employs personnel to carry out security checks. Fortunately, the TSA, in response to extensive lobbying by the AFM, recently revised its policies regarding carrying musical instruments on board. In a letter to AFM President Tom Lee in January, Thomas Blank, TSA assistant administrator for security regulation and policy, announced that airline operators have been instructed to allow musical instruments as carry-on baggage and that AFM members experiencing problems with security should speak to a screening supervisor.

Knowing that those who encounter difficulties might find it helpful to have a copy of the TSA letter with them, we planned to reproduce that letter in this issue of *Senza Sordino* as a service to all musicians in ICSOM orchestras, but this was not possible. AFM members wishing a copy of the letter should contact the AFM office in New York and provide their name, address, and phone number. They will be sent a copy of the TSA letter and an official AFM cover letter written by President Lee. (Copies are also downloadable from the AFM and ICSOM websites.)

While this may not eliminate all problems at the airport—every airline still sets its own policies—some persons using these letters have apparently found them helpful, and it’s a step in the right direction.

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

## Chicago Symphony Initiates Minority Fellowship Program

by Rachel Goldstein, Chicago Symphony ICSOM Delegate

The Chicago Symphony has recently announced auditions for its new fellowship program for minorities under-represented in symphony orchestras. This program was developed by the Orchestra Diversity Committee, which consists of representatives from musicians, management, trustees, and the union. This committee was formed in 1988, under the name of Affirmative Action Training Committee. The purpose of this committee, as defined in our collective bargaining agreement, is “to study the development and financing of a music training program for minorities, with the objective of increasing the available pool of qualified minority applicants for membership in symphony and opera orchestras.” The Diversity Committee has also agreed on several other initiatives designed to further this goal. These include:

1. Communicating with minority musicians, creating a database of such musicians and informing them of regular auditions for openings in the orchestra.
2. Targeting the Civic Orchestra (the Chicago Symphony’s training orchestra) to provide advanced training for minority musicians.
3. Encouraging each section of the orchestra to seek minority musicians to audition for placement on their list of extra (substitute) musicians.
4. Expanding our existing musician residency program and working together with the Chicago public schools to create a new school music program, with the aim of providing support for talented children.

The Chicago Symphony has procured funding to support up to two fellows per season. All fellowship candidates must be between the ages of 18 and 34 and must have completed high school. Fellows will be selected by taking part in the regular blind auditions for substitute musicians. The audition committee will have no knowledge of any candidate’s ethnicity or interest in the fellowship program. Only those candidates who pass this audition may be considered for a CSO fellowship. The fellowship has a one-year term but may be extended for an additional year by mutual consent. Fellows will receive a stipend of \$36,000, medical coverage, and a travel allowance for auditions. All fellows will be members of the AFM. Fellows will perform with the CSO for approximately 18 weeks as substitute musicians, will receive coaching and mentoring with CSO members, and will take part in CSO education and community relations activities. The program will be tailored to best serve each fellow’s needs.

Candidates who show promise but are not yet ready for the CSO fellowship may be offered a CSO apprentice fellowship. This will involve participation in the Civic Orchestra, coaching and mentoring by CSO members, and involvement with music programs of local universities and other educational institutions. Like the CSO fellowship, this program will be customized to best serve each fellow. Apprentice fellows will receive a stipend of \$6,000.

The musicians of the Chicago Symphony are committed to the cause of assisting minority musicians, and we are looking forward to making a positive contribution in the lives of many young people through these fellowships and other programs.



## Counsel's Report

Leonard Leibowitz

### Musicians' Voices Must Be Heard



Amidst all the rancorous talk of minimums, featherbedding, and numbers in the recent labor dispute between AFM Local 802 and the League of American Theatres and Producers there is an underlying philosophical and economic question which has not been adequately addressed: on what theory may a group of employees or their union tell an employer how many employees it must hire?

After all, it is employers who create the work enterprise; it is they who invest the money (their own or someone else's), and it is they who take the risk of the loss of that investment if the project fails to return a profit. The employees invest only their time, effort, and talent, for which they are paid an amount agreed upon whether the project succeeds or fails. What gives them standing to insist that the employer hire more of them than the employer believes he or she wants or needs?

Such a concept is virtually unknown in the industrial sector. Nevertheless, in the collective bargaining agreement between the Union and the League the parties have agreed that in each Broadway theater at which a musical is presented there must be a minimum number of musicians hired. The question is relevant to symphony orchestras as well, because many orchestra collective bargaining agreements contain provisions insuring minimum numbers of musicians.

The answer is to be found in the nature of professional employees in general and performing artists in particular.

Except as it affects their continued employment, most non-professional employees are not very concerned with the quality of the employer's product. The driver of a delivery truck would never negotiate with his or her employer about the quality of the beer or soft drink that he or she is delivering. As long as the public is buying it, and his or her job is therefore secure, his or her interest in the quality of the product is practically nil.

In contrast, school teachers, social workers, doctors employed in hospitals, and lawyers who render legal services to the poor are usually vitally concerned with the quality of those services being delivered to their students, patients, or clients. These professionals are not in it for the money; most of them could earn considerably more in other fields of endeavor. They have devoted their lives to their profession, and they want it to be worthwhile, productive, and rewarding in its own right. Thus, for those professionals who are represented by a union, the bargaining issues are not limited to wages and benefits, but include issues of quality care, support systems, and caseload. Quite often such issues involve discussions of staffing levels and the like.

In the performing arts, the concern by the performers for the quality of the employer's product is even greater: for all intents and purposes, they are the product! It is *they* that the customer has paid to see, experience, and enjoy.

Surely some of these performers have become enormously wealthy as a result of their talent and, in some cases, their luck. Such performers may be members of unions, but they really don't need the union to negotiate job security or wages for them. Most, however, are not so blessed, and although they too are part of the product, they need the protection and influence of collective action through their union to express their needs and desires. Those needs and desires include the enhancement and preservation of their art and talent, so that the expression of their art is meaningful to the audience and to themselves. Unfortunately, they cannot rely on the employers, whose expertise may extend to production, management, fund-raising, sales, and promotion but not to art and to its presentation in the finest quality, especially if such presentation conflicts with limited financial resources.

In other words, employers are often faced with choosing between economics and quality. Members of management who bear the responsibility of paying the bills must, of course, find ways and means of raising the money to do so, but they must guard against losing sight of the purpose and quality of the enterprise when making those choices. And they must heed the advice of those who are more qualified to do so to evaluate the ingredients necessary to produce the highest quality.

In the recent labor dispute, the parties were not even speaking the same language. The employers and producers were talking "numbers"—how many musicians they must hire and how much it will cost. The musicians were talking "musical quality"—what combination of instruments is necessary to present the finest quality orchestra for the Broadway stage. The musicians, composers, orchestrators, and arrangers have the expertise to determine what it takes to produce the finest quality presentation to a public paying upwards of \$100 for a ticket. Not a single member of this "creative team" has denied the need for full-size orchestras in most Broadway musicals.

The dispute has been settled, although the agreement is yet to be ratified as this issue goes to press. There should be no question of the stake that the musicians have in situations like this. Their professional lives are on the line just as much as the money of the employers. For the sake of the art form, and for the expectations of the audience, their voices must always be heard.

#### Chairperson

(continued from page 2)

In the last issue of *Senza Sordino* I wrote about the state of the arts in America, the need for influence on Capitol Hill, and the desirability of each musician contributing to the AFM's political action arm, TEMPO. Mr. John Grimes, vice president of the Boston local, reminded us that local unions are the traditional conduit for donations to TEMPO, and we certainly do not discourage this. If you choose to donate through your local, the local will do all the paper work and get the credit. However you choose to give, the important thing is to donate!

# 2002–2003 ICSOM Wage Chart

prepared by Richard Levine, ICSOM Governing Board Member-at-Large

Orchestra	Season Length	Minimum Annual Salary	Annual EMG	Seniority Pay (22 Years)	Vacation	Personal Leave	Average Srvcs/Wk
Alabama	40 weeks	\$ 29,360	none	\$800	3 weeks	2 days	7–8
Atlanta	52 weeks	\$ 67,600	\$4,680	\$1,456	8 weeks	1 day	8
Baltimore	52 weeks	\$ 72,800	none	\$4,160	9 weeks	1 day	8
Boston	52 weeks	\$ 99,580	none	\$6,722	10 weeks	unspecified	8
Buffalo	39 weeks	\$ 37,245	\$1,755	\$780	2 weeks	4 services	8
Charlotte	40 weeks	\$ 31,200	none	\$2,640	3 weeks	4 days	7–8
Chicago Lyric	26 weeks	\$ 50,050	none	\$3,253	18% of salary	3 days	6
Chicago Symphony	52 weeks	\$100,100	none	\$8,060	10 weeks	3 days	7–8
Cincinnati	53 weeks	\$ 85,065	\$3,710	\$2,120	9 weeks	3 days	8
Cleveland Orchestra	52 weeks	\$ 96,460	none	\$10,400	10 weeks	3 days <sup>18</sup>	7–8
Colorado	43 weeks	\$ 39,689	\$2,580	\$1,032	4 weeks <sup>11</sup>	7 services	8
Columbus	47 weeks	\$ 50,337	none	\$564	4 weeks	6 services	8
Dallas	52 weeks	\$ 74,100	\$6,760	\$1,040	9 weeks	2 days	8
Detroit	52 weeks	\$ 87,100	<sup>9</sup>	\$3,640	9 weeks	4 days	8
Florida Orchestra	36 weeks	\$ 28,008	\$180	\$1,044	3 weeks	8 services	8
Florida Philharmonic	39 weeks	\$ 38,946	none	\$780	5 weeks	6 services	8
Fort Worth	51 weeks	\$ 49,156	\$1,000	none	35 days	9 days <sup>19</sup>	7–8
Grant Park	10 weeks	\$ 9,974	\$910	\$155	none	4 days <sup>20</sup>	8
Honolulu	33 weeks	\$ 28,380	none	\$1,089	none	6 days	8
Houston <sup>1</sup>	50 weeks <sup>1</sup>	\$67,500 <sup>1</sup>	\$3,750 <sup>1</sup>	\$1,000 <sup>1</sup>	9 weeks	2 days <sup>21</sup>	8
Indianapolis	52 weeks	\$ 70,200	none	\$2,080	8.5 weeks <sup>12</sup>	5 days	7–8
Jacksonville	37 weeks	\$ 31,672	none	\$980	3 weeks	8 days	8
Kansas City	42 weeks	\$ 35,849	\$1,302	none	19 days	2 days	8
Kennedy Center	27 weeks	\$ 47,359	none	\$3,780	none	2 days + 2 svcs <sup>22</sup>	6–7
Los Angeles	52 weeks	\$98,540	\$2,000	\$6,775	10 weeks <sup>13</sup>	2 services	7–8
Louisville	42 weeks	\$33,559	none	\$441	4 weeks	7 services	8
Metropolitan Opera	52 weeks	\$113,500	none	none	10 weeks	4 days <sup>23</sup>	7–8
Milwaukee	44 weeks	\$58,300	\$792	\$1,285	6 weeks	4 days	7–8
Minnesota	52 weeks	\$88,660	\$3,900	\$2,340	10 weeks	1 day	8
Nashville	40 weeks	\$32,280	\$1,040	\$800	3 weeks	4 services <sup>24</sup>	8
National	52 weeks	\$89,700	none	\$14,040	9 weeks <sup>14</sup>	2 days	7–8
New Jersey	36 weeks	\$41,760	\$1,440	\$1,253	3 weeks	<sup>25</sup>	7
New York City Ballet	30 weeks	\$50,550 <sup>6</sup>	none	\$2,700	4 weeks	3 days	7–8
New York City Opera	29 weeks	\$47,150 <sup>7</sup>	none	\$2,233	4 weeks	2 days	7–8
New York Philharmonic	52 weeks	\$98,540 <sup>8</sup>	none	\$6,775	9 weeks	none	8
North Carolina	43 weeks <sup>2</sup>	\$43,000	none	\$1,161	25 days	5 services	8
Oregon	43 weeks	\$42,784	\$553	none	2.5 weeks	6–12 services <sup>26</sup>	6
Philadelphia	52 weeks	\$98,800	none	\$5,720	10 weeks	4 days	7–8
Phoenix	38 weeks	\$30,450	none	\$760	3 weeks	8 services	8
Pittsburgh	52 weeks	\$90,220	none	\$3,120	10 weeks	1 day	8
Rochester	41 weeks	\$37,925	none	\$660	3 weeks	none	8
Saint Louis	42 weeks	\$68,730	none	\$3,360	4 wks+6 days <sup>15</sup>	none	7
Saint Paul	38 weeks	\$65,740	\$1,200	\$1,600	4 weeks	4 services	8
San Antonio	33 weeks	\$28,050	none	\$ 726	none <sup>16</sup>	8 services	7
San Diego	225 svcs <sup>4</sup>	\$27,000	\$1,300	\$1,080	6 services	4 days <sup>27</sup>	n/a
San Francisco Ballet	<sup>5</sup>	\$35,759	\$ 906	\$1,457	13% of wages	1 day	n/a
San Francisco Opera	29 weeks	\$64,677	\$2,255	\$3,479	4 weeks	3 days	7–8
San Francisco Symphony	52 weeks	\$97,500	\$1,560 <sup>10</sup>	\$5,200	10 weeks <sup>17</sup>	no limit	8
Syracuse	38 weeks	\$26,420	none	\$ 481	4 weeks	8 services	7–8
Utah	52 weeks	\$54,600	none	\$1,300	9 weeks	no limit	7–8
Virginia	41 weeks	\$23,026	none	\$492	2 weeks	6 days	7–8

## Wage Chart Notes

The data in this chart were initially extracted from the 2002-2003 AFM Wage Chart and then corrected and updated by delegates. Two of the columns deserve comment. Figures listed under *Minimum Annual Salary* are exclusive of EMG. The *Seniority Pay (22 Years)* column may be used for quick but incomplete comparisons of seniority pay. Entries in that column were obtained by calculating the annual seniority pay for a musician with an arbitrarily-chosen 22 years of service.

- <sup>1</sup> Played without contract at \$1,350 + \$75 EMG per week from 10/02 through 3/03 and at same rates under contract thereafter; 3 of the 50 listed weeks went unpaid during strike; 2 unpaid floating furlough weeks to be taken during work weeks
- <sup>2</sup> Plus 1 optional weeks
- <sup>3</sup> 10 additional summer weeks with no services at flat \$250/week
- <sup>4</sup> Scheduled within 38 weeks
- <sup>5</sup> 105 (performances) + 102 (rehearsals)
- <sup>6</sup> \$46,500 + \$4,050 (rehearsals)
- <sup>7</sup> \$39,150 + approximately \$8,000 (rehearsals)
- <sup>8</sup> All musicians receive at least \$10/week overscale
- <sup>9</sup> 26 weeks of broadcasts at NPR rate plus 9% pension
- <sup>10</sup> Radio only
- <sup>11</sup> Plus 7 relief services
- <sup>12</sup> Plus 8 relief services for strings, 1st/2nd winds and brass, timpani
- <sup>13</sup> 11 weeks for strings & 2nd winds
- <sup>14</sup> 10 weeks for strings
- <sup>15</sup> 6-day relief period awarded if absent 32 or fewer services in prior season; additional vacation can be earned from Community Partnership services
- <sup>16</sup> 2002-03
- <sup>17</sup> One additional relief week for 2nd winds and 43 additional relief weeks shared among string section
- <sup>18</sup> 7 days for death or family emergency
- <sup>19</sup> 13 services maximum
- <sup>20</sup> 4 of 6 sick days as personal days
- <sup>21</sup> 2 additional days for audition leave
- <sup>22</sup> 2 days (Opera); 2 services (Ballet/Show)
- <sup>23</sup> 5 for strings (1 additional at discretion of management)
- <sup>24</sup> 4 services (core), 2 services (long)
- <sup>25</sup> 8 unpaid services on subscription sets; up to 50% of rehearsals and 50% of performances on non-subscription sets
- <sup>26</sup> Based on seniority
- <sup>27</sup> 3 days paid (against sick leave), 1 day unpaid

*Thanks to SSD Contract Administrator Eric Beers for his help with the AFM Wage Chart data.*

## EMF Media Surveys Talled

*ICSOM Governing Board Member-at-Large Jay Blumenthal observed the tallying of ICSOM media surveys submitted to the AFM and filed the following report in late February.*

Thirty-six orchestra surveys were tallied; fifteen orchestras did not respond. A majority opinion for each question was given a full point, an answer that was equally divided between two ratings received half a point, and answers divided equally into three received a third of a point. In the final tally, the data was looked at in the aggregate. There is no way of knowing how an individual orchestra felt except by going to that orchestra's survey.

Here are a few highlights (ICSOM results only):

- Twenty-five orchestras had made a CD in the past five years; nine had not. Rating the importance of increasing recording on a scale of 1 (very important) to 5 (not important), the majority (17) said 3. Asked to rate the importance of receiving all payments up-front for self produced recordings from radio and archival tapes on a the same scale of 1 to 5, twelve orchestras said 1, four said 2, ten said 3, four said 4, and five said 5.
- Asked if they would consider trading some up-front payments for royalty or revenue-based payments for self-produced recordings made from radio or archival tapes, 23 said yes and 12 said no. One national rate for self-produced recordings was favored by 12½, local control of minimum rates was favored by 10, and a sliding scale defined in a national agreement was favored by 11½.

As one can see, the numbers are very close, and their interpretation by the AFM and by the ICSOM Media Committee will surely necessitate much discussion.

[Ed: Regrettably, Jay was barred from observing the tally of the ROPA orchestras. Perhaps those results will be published elsewhere.]

## AFM Convention Watch

As the AFM's biennial convention (to be held in Las Vegas June 23-25) approaches, the ICSOM Governing Board has submitted several resolutions to amend the AFM's Bylaws.

In accordance with a resolution passed by delegates to the 2002 ICSOM conference, we will submit, with the other four player conferences, a proposal to establish as AFM policy the inclusion of a rank-and-file orchestral musician as a trustee of the AFM Employees' Pension Fund.

We will also join with the other symphonic player conferences in proposing legislation that will bar contractors from serving on local boards.

Finally, we are concerned about legislation being proposed by one local (Canton OH) that would restrict the amount of subsidy for delegates' attendance at the annual meetings of the player conferences. We believe this proposal is seriously flawed, is unfair, and would greatly interfere with the effectiveness of our annual meetings.

## Remembering Russell Brodine (1912–2003)

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*Russell Brodine, long-time member of the Saint Louis Symphony Orchestra, died February 12 at the age of 91. According to the memorial service program, he was a musician, carpenter, woodworker, carver, remodeler, gardener, father, grandfather, friend, union organizer, political activist, mentor, and storyteller. Russell spoke at the ICSOM conference in 1989, and some of his writings were published in these pages, including a portion of his memoirs, Fiddle and Fight. Joe Kleeman, a member of the SLSO bass section from 1958 to 2001, related some of his memories of Russell Brodine to SLSO ICSOM delegate Tina Ward.*

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Russell Brodine had been assistant principal bass in the SLSO for about ten years when I arrived in 1958. He came when Vladimir Golschmann was music director. He loved to help people out, no matter what religion, race, creed—it didn't make any difference to him. If there was a problem he wanted to help.

My wife was in Columbia, Missouri, in medical school, and of course I was in St. Louis. He said, "Where are you going to stay? Come on, stay with me. I have a bedroom up here I'm not using and you can stay there for a few bucks a week. That way you don't spend a lot of money, and you spend more time with your wife." Stuff like that.

At that time we only had a 25-week season, and in the summer time you were left to fend for yourself. Most people would get a job here or there, but some families weren't so fortunate. What Russell liked to do was organize barbeques and have those families over. Of course, everybody made too much food and guess where the food had to go? He did it in a way that the families had some dignity—it wasn't a handout.

Dignity meant a lot to him. Anything to help people. Like the race problem—he was always active in it—get involved and make it better. He was very much for the underdog, and we were very much the underdogs in those days.

He was always trying to improve the music. He loved music. I'm not sure which he liked better, music or fighting. At a great performance, I'd sometimes see him crying. At that time, we'd have maybe four or five great performances a year. There was one performance—it was on a par with Chicago under Reiner—and I saw Russell shedding a couple of tears. He said, "I cry at births, I cry when somebody gets killed, and I cry at great performances."

When they were trying to get an orchestra committee here and the musicians were afraid to sign a petition saying that they wanted a committee, the principal flutist had the idea to take a letter into Golschmann and tell him that somebody wanted his autograph—and they did that and Golschmann signed the petition! When the musicians saw Golschmann's name on it, they all signed it, and that's how the orchestra committee got started. Golschmann was furious when he found out his name was on there.

Russell was always on the committee, and he couldn't understand why people wouldn't go to meetings. It was for their benefit and he couldn't understand why they didn't want to be counted. He fought for orchestras.

Principal bassist Henry Loew and I were at Russell's house, and Russell said, "We may have some stuff in our contract that other orchestras may want and they may have some stuff we want." We came up with the idea to ask people to send us their contract. We would send our contract to them, and then we started getting contracts back from all over the country. ICSOM hadn't been formed then. One of the things that we got into our contract at that time—we saw it in the New York Phil's contract—was to have a day off after arriving in Europe. In our negotiation we asked for two days off. The management said, "We'll give you one, but why even bring that up? We're not going to Europe." It's been in the contract ever since, and we use it. It was decades before the orchestra made its first European tour.

He liked the camaraderie of the bass section. We were very close and stuck together pretty much. One time we had a second-rate conductor from Russia. This guy was a terror. We had heard from Houston that he liked to run around the orchestra in rehearsals and shake his finger at individuals. So he's going through our orchestra getting in people's faces. When he gets to the basses, Russell hands his bass to his stand partner and points to the podium and says, "You see that little thing up there? That's where you belong. Don't get down here in the orchestra. You conduct from there. Get up there!" So the guy goes back to the podium and he's mad. He picks up his stool and throws it into the auditorium. Russell looks at him, picks up his bass stool and throws it into the auditorium. Russell says, "I threw mine farther. Do you want to have a competition, or do you want to make music?" That was the end of the whole thing—the guy never left the podium after that.

### Houston Settlement Details

Term: April 1, 2003 - September 30, 2006

2002-2003: 50 weeks at \$1,425 (current wage) plus 2 weeks unpaid floating furlough (\$71,250 annually). This does not include the 3-week strike. The new settlement runs April 1-Sept. 30, 2003, with 24 weeks at \$1,425 plus 2 weeks unpaid furlough.

Oct. 1, 2003-Sept. 30, 2004: 49 weeks at \$1,425 plus 3 weeks unpaid floating furlough (\$69,825 annually)

Oct. 1, 2004-Sept. 30, 2005: 49 weeks at \$1,490 plus 3 weeks unpaid floating furlough (\$73,010 annually)

Oct. 1, 2005-Sept 30, 2006: 51 weeks at \$1,540 with 1 week unpaid floating furlough (\$78,540 annually)

These salaries include \$75 per week EMG.

Pension contributions (now 5%) will increase in the third year to 5.5% and in the fourth year to 6%. Musicians retiring under this agreement will receive any increases negotiated in next settlement.

Orchestra size remains at 97. Five string positions will be guaranteed but will not be filled during this agreement.

Per diem will be paid when an afternoon rehearsal is followed by an evening performance.

The Society acknowledges musician sacrifice and agrees to improve finances to bring musician compensation to the median level of all full-time orchestras by the end of succeeding contract.

Members of the Society, the orchestra, and the community will hold meetings to discuss issues critical to Houston Symphony's future success. As an outgrowth of these meetings, a Mayor's Symphony Advisory Committee (MSAC) will be formed, composed of musicians, Society members, and concerned citizens appointed by the mayor. The MSAC is charged with advising the Houston Symphony Society toward ensuring the continued presence of a world-class orchestra in Houston, and it shall make quarterly progress reports to the mayor and the public. Musician representatives will assist in reaching Society fundraising goals, and monthly reports will be made to the MSAC.

## 2003 Sphinx Competition Winners

The sixth annual Sphinx Competition, which showcases top young African-American and Latino string players in the United States, was held February 11-19 in Ann Arbor and Detroit, Michigan. ICSOM Governing Board Member-At-Large Paul Ganson represented ICSOM and the Governing Board during this year's competition. As reported in the December issue of *Senza Sordino*, a portion of ICSOM dues is used to provide scholarship awards in the amount of \$500 to each of the senior winners.

This year's senior division winners are:

- Bryan Hernandez-Luch, First Place Laureate, 24, violin, West Valley City, Utah. Student of Isaac Malkin.
- Ryan Murphy, Second Place Laureate, 20, cello, Manchester, Missouri. Student of Stephen Geber.
- Mariana Green, Third Place Laureate, 24, violin, Boston, Massachusetts. Student of Stephen Clapp.
- Jennifer Arnold, 22, viola, North Royalton, Ohio. Student of Robert Vernon.
- Claire Garza, 21, viola, Cleveland, Ohio. Student of Jeffrey Irvine.
- Christopher Jenkins, 23, viola, Boston, Massachusetts. Student of Martha Katz.
- Shelby Latin, 21, violin, Rockford, Illinois. Student of Paul Biss.
- Aristides Rivas, 23, cello, Waco, Texas. Student of Gary Hardie.
- Karlos Rodriguez, 25, cello, Miami, Florida. Student of David Soyer.

Congratulations to all!

## President's Report

(continued from page 2)

are the conduit between orchestras committees, the musicians they represent, and the Governing Board.

- Services of ICSOM Governing Board members, who communicate regularly with orchestras through their delegates and, when requested, meet in person as ICSOM Chairperson Jan Gippo and ICSOM Legal Counsel Leonard Leibowitz did during a recent trip to Houston.
- The AFM Symphony-Opera Orchestra Strike Fund, created in 1970 as a result of ICSOM initiatives, has disbursed over \$4 million to 46 different orchestras locked out or on strike.

Other services ICSOM musicians provide during difficult times include letters of support to fellow musicians, and strategically planned communications to newspapers, journals, and other media organizations to raise awareness of musicians' concerns and their orchestras' troubles. An excellent example of this was a letter written by Sam Bergman (Minnesota Orchestra) and published in the *Houston Chronicle* on March 16. Another highly effective and visible example of support and solidarity is when one ICSOM member orchestra performs publicly with a fellow orchestra on strike or locked out.

All ICSOM musicians owe their improved wages and working conditions, higher standard of living, and job security to those who have given of themselves during the past four decades. We have only to use our imagination and creativity to find other ways we as fellow musicians and union colleagues can continue to help each other. Often only a few musicians in orchestras volunteer their time and energy to improve the lives of their colleagues by serving on various committees, AFM local boards, and symphony boards. Imagine the tremendous impact possible if every musician took just a little time each week or month to become more involved with sustaining and improving our institutions. You may ask, "But what can I do? Can one musician really make a difference?" ICSOM's 41-year history demonstrates conclusively what is possible!

The world as we know it changes more and more every day. These changes permeate every aspect of our lives—economic, political, social, and cultural. We musicians can choose to become active participants in the discussions about the future of our orchestras and to use the tool of self-determination to ensure their viability. Or we can just sit by and let the rest of their world determine the fate of our orchestras without becoming involved to the fullest extent possible. "What," you may ask, "is the risk of just sitting on the sidelines?" The answer is the very future of our orchestras and, therefore, our livelihoods. I can think of no greater investment one can make than in our orchestras. Can you?

## Conference Reminder

*The 2003 ICSOM Conference will be held from August 20 to August 23 at The Antlers at Vail, Colorado. Additional information will be made available in future issues of Senza Sordino and via bulletin and Orchestra-L.*

## Urgent Appeal for Volunteers

***The son of long-time New York City Opera ICSOM delegate Bruce Revesz is in need of a bone marrow (stem cell) transplant. If you would like to volunteer as a possible donor, a simple blood test is required. Please call the National Marrow Donor Program (US) at 1 (800) 627-7692 for information and testing location. You must be between the ages of 18 and 60 in order to be able to donate.***

## Houston

(continued from page 1)

We continued to become more organized and informed. We had excellent subcommittees on insurance, concerts, picketing, social functions, and community outreach. On St. Patrick's Day a large group of orchestra members and other musicians and families with signs marched in the downtown parade. Kit Reid, whose father had been in the orchestra for many years, led us with his Dixieland band. Next came a coffin and pallbearers. A large Houston Symphony sign stood atop the coffin.

During our 24-day strike individuals from our community took action and maneuvered both sides toward a settlement. Mayor Lee Brown stepped forward to appoint Houston developer Ed Wulfe as mediator for final negotiations. Mr. Wulfe brought in Alvin Zimmerman, attorney, former state judge, and high profile mediator. These gentlemen worked alternately with our negotiating team and the Houston Symphony Society team from Saturday, March 29, at 9:00 AM until late Sunday night, bringing forth a tentative agreement. The efforts of Mr. Wulfe and Mr. Zimmerman proved invaluable for the final phase of these negotiations, forging an agreement acceptable to both sides.

On Monday, March 31, the orchestra met for three hours to discuss and vote on the proposal. On April 1 ballots were counted and the proposal was approved. A news conference followed at Jones Hall.

Several major gains were made, and only because we went on strike. A long-term agreement with pay raises toward restoration is now in place; this was crucial for any hope for our future. The commitment to bring the musicians' salaries to the median level of all full-time orchestras, stated in a side letter, is a milestone. Another important first is the promise to raise the pensions of musicians who retire within this contract to the amount negotiated in the next contract. The establishment of a Mayor's Symphony Advisory Committee, allowing the Society's performance to be publicly scrutinized, is a huge win for us. (Ed. - Settlement details are on page 8.)

These past several months have been difficult for the musicians of the Houston Symphony. A substantial number of members, having lost confidence in the board and staff, left the orchestra. Several won auditions in other orchestras, and others went into other fields or retired. Resentment and mistrust will linger for a considerable time.

This contract had to contain concessions, but the new provisions gave the orchestra enough confidence to ratify it. Management was desperate for a settlement, since it could not very well announce a new season or raise money with its orchestra on strike. Our successful media campaign created intense scrutiny of their performance.

The musicians of the Houston Symphony wish to thank our Negotiating Committee (who worked longer than any other such committee in our history): Roger Kaza (chair), Chris French, Fred Edelen, Phil Stanton, and Eric Arbiter; our attorney, Susan Martin, who gave us the best in counsel, experience, and strategy; our spokesman and orchestra committee chairman, Dave Kirk, who worked around the clock during our public campaign; and our public relations firm, Varoga, Rice & Shalett (especially VRS's director of public affairs Joe Householder). We especially thank the officers of the Houston Professional Musicians Association, Local 65-699 AFM—President Lovie Smith-Schenk, Vice President Erica Robinson, Secretary-Treasurer Bob McGrew, and the Board of Directors—for their solid support and work on our behalf during this long campaign. President Smith-Schenk was present at both of the final marathon negotiation sessions!

And finally we thank our ICSOM Governing Board and our friends in orchestras across the country for their support, their letters, and their generous monetary help. You went a long way toward making us feel part of something very large and unified.

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A Conference of the American Federation of Musicians — AFL—CIO

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www.icsom.org

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# Senza Sordino

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## The New ICSOM Media Committee

Bill Foster, ICSOM Media Committee Chairperson

Here is a multiple choice test. Which of the following statements are true?

- 1a) Recording fees for American orchestras are too high. Record companies can and do take their business to Europe, where they pay recording fees that are a fraction of those in the AFM's Sound Recording Labor Agreement.
- 1b) Recording fees for American orchestras are too low. Years ago the hourly rate paid for studio recordings was substantially higher than the hourly rate for regular services of even the "Big Five" orchestras. Now, for members of those same "Big Five," there is little or no premium for recording work over regular services.
- 2a) Media product is important to the mission and even survival of our institutions, and it is important to do what is necessary to allow that product to be made.
- 2b) When our work is captured through electronic media and then distributed, that work has additional value and we should not give it away.
- 3a) The recording business has always gone through cycles. We are now at a low point of a cycle, but when new technologies establish themselves we are likely to see a resurgence of activity like that seen after the emergence of the LP and the CD.
- 3b) The world of electronic media has changed fundamentally. Symphony orchestras are in danger of being left behind by the technology and becoming irrelevant if we don't fundamentally change the way we look at electronic media work.

If you answered that *all* the above statements—though seemingly contradictory at first glance—are true, you must have been informing yourself about electronic media issues for quite a while. You probably read the March 2002 special edition of *Senza Sordino*, "The Great Electronic Media Debate."

These are important issues for all ICSOM orchestra members. Whether or not you have been following the discussion to this point, you should know how ICSOM is addressing these issues.

In March, the ICSOM Governing Board appointed a new ICSOM Electronic Media Committee. This committee will develop media policies, recommendations, and proposals on behalf of ICSOM to share with the AFM when negotiating new CBAs, revising AFM promulgated agreements, or administering media agreements. The Committee will represent ICSOM during any AFM media negotiation.

This new committee succeeds the ICSOM Media Committee that worked as part of the Electronic Media Forum (EMF) from January 1999 through last spring. The EMF's facilitated discussions produced the new Internet Agreement and a substantially revised Audio-Visual Agreement. We would like to acknowledge the leadership of Brad Buckley, past ICSOM media chair, in that process, as well as the valuable contribution of Robert Levine, past ICSOM chair.

Good communication between the ICSOM Electronic Media Committee and ICSOM representatives, orchestra committees, and all members of ICSOM orchestras is absolutely essential. Great efforts were made during the months of meetings of the EMF to generate notes of meetings and post them on the Web for anyone to read. In spite of that, there was a feeling that communication was not adequate, contributing to suspicions about the EMF and its work.

This committee will try new ways of communicating in hopes of satisfying the desire for good information. An initiative in this regard is the creation by the Governing Board of "Media-L," an Internet mailing list that is devoted exclusively to the discussion of electronic media issues. It is open to members of orchestras and AFM staff. To join, send a request to ICSOM webmaster Robert Levine at [rtl@icsom.org](mailto:rtl@icsom.org). Include the name of your orchestra and your wish to join Media-L. All minutes of Media Committee meetings will be sent out on that list, which will also be a place for posting articles relevant to electronic media and individual comments and questions from list subscribers. Please let us know whether or not communication efforts are working and give us any further suggestions you may have.

Posting statements on Media-L is one way to make your opinion known. However, if you would like to have a person-to-person discussion of a media question, a problem, or an issue, contact the chair or any member of the Committee. We will be happy to talk with you and will bring that discussion into the committee's own talks.

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## Chairperson's Report

Jan Gippo



The 2003 ICSOM Conference will be held August 20-23 in Vail, Colorado. The theme for this year's conference is "Getting Back to Basics and Looking Forward to the Future." I am pleased to announce that Bill Moriarity, president of Local 802 (New York City) will give the keynote address. Our distinguished legal counsel, Leonard Leibowitz, will present workshops addressing some very basic issues: collective

bargaining agreements, grievances, and arbitration. Michael Kaiser, president of the Kennedy Center for the Performing Arts, will give us his views on the future, and we will discuss the increasing role of musicians in institutional governance and the place orchestras and classical music have in our society. This latter topic is especially important as we witness many of our orchestras in serious financial trouble.

Throughout this issue ICSOM Governing Board members tell you about some of the resolutions to be put forward at this conference. One of the topics we must consider is formalizing payment to persons who provide important services to ICSOM. The Governing Board will propose providing honoraria for the ICSOM webmaster, archivist, conference coordinator, and *Senza Sordino* production manager. After arduous negotiation with our esteemed legal counsel, a three-year retainer agreement has been reached that must be approved by delegates. Finally, we propose prohibiting access to Media-L, our media-focused Internet mailing list, to management personnel.

All of us are distressed by the financial problems facing some of our member orchestras, and I have some thoughts on this subject.

In every orchestra now experiencing significant financial difficulty, it is the symphony management's budgeting process that has brought the orchestra to the edge of disaster. Time and time again, managements' budgeting abilities are so poor that they have no way of assessing what their reasonable income projections might be and no way of properly keeping track of expenses. Then the Big Surprise comes when someone looks at the balance sheet and finds that instead of positive numbers there is actually a large negative cash flow. In all cases, I imagine that there was no intent of malfeasance or bankruptcy. The fact remains, however, that these orchestras are on the brink of disaster—some have already gone out of business—and the only solution managements have found is to cut the product, the musicians' livelihood, to solve the problem they created.

Successful businesses and managers are those that create a spreadsheet with all expenses itemized, a database that makes it simple to calculate income and expenditures and figure the profit and loss of any activity the symphony performs. Then and only then can a good manager look at the entire picture, find the true drain on the expenses, and start a process that balances the budget and keeps the institution alive until the economics get better. Such managers are rare, but they do exist, and they do understand

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## President's Report

Brian Rood



As this issue goes to press several of our member orchestras face increasingly dire financial circumstances. The Florida Philharmonic has filed for bankruptcy on the heels of an extremely difficult round of concessionary bargaining one month earlier; with the FPO's demise, southern Florida has lost its only major symphony orchestra. The Pittsburgh Symphony has canceled its 2004 summer tour of Europe and continues to face numerous financial challenges; their board has put Heinz Hall up for sale. The

musicians in Louisville went without being paid for over a month, and still have money due. The San Antonio Symphony has suspended operations but vows to pay its musicians through the end of this season; musicians received at least one partial paycheck in mid-May. As reported in the April issue of *Senza Sordino*, musicians in Houston and Baltimore have accepted sharp cuts in wages and benefits as a result of their orchestras' critical financial conditions.

Regrettably, the list does not end there. Many, many orchestras are in trouble. Repercussions of the current economic difficulties may be felt by our musicians not only this year but down the road as well. More than ever, we ICSOM musicians need to stick together and use *all* our individual and collective resources to fight for our livelihoods. We cannot afford to sit by on the sidelines. Is there anybody more eminently qualified than we are to speak for and about orchestra musicians? Does anyone have more at stake? We need to be part of every discussion possible regarding the future of our orchestras, and we shall have such discussion at the ICSOM Conference in Vail in August.

In addition, several resolutions will be presented to the delegates at the annual Conference. One addresses the concern that orchestras, particularly those with EMGs, will undercut colleagues who make their income solely from electronic media work, particularly in non-traditional symphonic areas (motion pictures, jingles). Another resolution will urge member orchestras to send at least one alternate delegate, and encourage as many orchestra members as resources allow, to attend the annual ICSOM Conference so that more members may share information and ideas. Although each member orchestra is allowed only one vote, the Governing Board wishes to emphasize the importance of participation by as many members of constituent orchestras as possible. This concept is integral to the central purpose of ICSOM.

We will also take another look at the ICSOM conductor evaluation program. ICSOM treasurer and conductor evaluation program administrator Michael Moore and I have been exploring ways to make this program more user-friendly. The program was established at the 1967 conference to help ICSOM musicians register their collective opinions and appraisals of conductors to assist their orchestras reach decisions in engaging music directors, resident conducting staff, and guest conductors.

(continued on page 10 - see PRESIDENT'S REPORT)



## Secretary's Report

Laura Ross



Negotiation time is upon us. Those who subscribe to Orchestra-L are aware that a few settlement bulletins have begun to trickle in. When I assemble a settlement bulletin, it is sent back to each orchestra's negotiation committee and counsel for approval. Once approved, it is posted on Orchestra-L and the ICSOM website. Printed bulletins are sent out periodically with various delegate mailings. Settlement bulletins for Houston, Baltimore, and the Florida Philharmonic were posted on Orchestra-L and the ICSOM website ([www.icsom.org](http://www.icsom.org)) and were included in the recent delegate mailing.

ICSOM Conference packets were mailed to delegates at the end of May. They include everything needed to make reservations in Vail this summer. As a reminder, all ICSOM delegates must be elected. Orchestras on foreign tour may assign their voting proxy to another delegate, and this arrangement must be communicated to the ICSOM secretary in writing prior to the Conference. New in the packet is a registration form to be filled out by delegates and mailed back to me. *It is important that this form is returned prior to the hotel deadline.* Additional registration sheets will be enclosed for your orchestra's Local officers and orchestra members who wish to attend the conference. Timely return of these registration forms to the secretary will allow attendees other than delegates to receive mailings prior to the Conference. A first draft of the agenda is also included, as are resolutions the Governing Board intends to put forth at the Conference. Additional resolutions will be sent to delegates prior to the Conference.

We have a number of resolutions to deal with this summer. One major proposal deals with how bylaw changes are ratified by our member orchestras. Certain portions of ICSOM bylaws require not only the approval of all the delegates at the Conference but further ratification by member orchestras. Unfortunately, part of this ratification process currently requires that voting results be sent to the ICSOM secretary by registered mail, a requirement that is burdensome and expensive. There has also been confusion about whether the actual ballots had to be returned. The Governing Board will propose amending the bylaws to clarify the procedure and to allow for another method to replace registered mail. Fax, e-mail, and "snail mail" are all options.

Another resolution deals with orchestras applying for membership in ICSOM. The current bylaw language is somewhat ambiguous concerning the requirements for membership. The Governing Board's recommendation will include clarification of this language. Additionally, the minimum wage requirement has not been raised in almost 20 years, so we will recommend increasing this amount from \$15,000 to \$25,000. This number reflects a cost of living adjustment from 1987 to the present. Of course, current ICSOM member orchestras will not be affected by this change.

As always, I encourage you all to keep in touch and let me know if I can do anything to help your orchestra.

## Treasurer's Report

Michael Moore



At ICSOM's annual conference in August ICSOM delegates will be asked to discuss and vote on some important financial matters, after which any new or revised bylaws affecting finances will be presented to member orchestras for approval. The Governing Board has been working for months on resolutions that will deal with the following concerns:

1. The Emergency Relief Fund (ERF) needs to grow. There is only \$224,000 in the fund, and investment income has not helped much recently. The ERF needs to grow to the point that we can increase the number of loans without lowering the maximum dollar amount currently available. To this end the Governing Board will recommend deleting the ICSOM bylaw that suspends payment from dues to the ERF in an amount equal to \$2 per ICSOM orchestra member.

2. ICSOM needs more money to provide the services that we all need and expect. Dues are our main source of funding, and modest increases are necessary for us to collectively carry out ICSOM's mission. There has been no dues increase since 1987, yet our costs have continued to climb. Although we continue to scrutinize expenses and operate as thriftily as possible, we cannot cut services. Indeed, ICSOM must expand travel and communications while continuing its advocacy role.

3. ICSOM needs funds in a timely manner so that we don't have to curtail activities or borrow from the ERF near the end of the year. Most member orchestras pay by the deadline of December 31, but this season five had not paid by the end of May. This is not fair to the orchestras who do pay on time, and it cannot continue. The Governing Board will put forth a proposal that will encourage dues payments in a timely manner and discourage late payment.

### Media Committee

*(continued from page 1)*

The committee meets by conference call every 3-6 weeks and plans to meet in person twice a year. We will arrive at decisions through motions and recorded votes and will post formal minutes of conference calls and meetings after approval by the committee.

The committee members—Bill Foster (National), Steve Lester (Chicago), Laura Ross (Nashville), Jan Gippo (St. Louis), Rich Weiner (Cleveland), Fiona Simon (New York Philharmonic), Paul Frankenfeld (Cincinnati), John Koen (Philadelphia), and Brian Rood (Kansas City)—represent a wide cross-section of views on media issues. All are capable of speaking up strongly in spirited discussions, always in an atmosphere of mutual respect. An important guideline for our work is that each member will keep in mind that he or she represents the field, not just a personal point of view or a single orchestra. Please help us by giving us your thoughts.

## The US Presidential Election of 1800 and the ICSOM Election of 2002

Marsha Schweitzer

It took the United States of America several election cycles to get the bugs out of its new system of free and democratic elections. The election of George Washington to the presidency in 1788 and 1792 was not controversial—he was elected unanimously, and John Adams, who won the vice-presidency, deferred to Washington's leadership. But the election of John Adams as president and Thomas Jefferson as vice-president in 1796 made manifest a serious problem. At that time, the vice-president was chosen by simply taking the second place vote-getter in the presidential election; if candidates of opposing ideologies were elected president and vice-president, both ideologies were neutralized and government was paralyzed. With the increasing ideological tensions of the election of 1800 it became clear that running the president and vice-president together as a unified team was prudent.

The opposing views of Adams and Jefferson had to do, in part, with the practical application of the principles of representative democracy. John Adams believed in self-rule, but felt that the population at large was generally incapable of understanding the fine points of politics and governance and would always fall victim to campaign hype and distortion in an election. The people could not be trusted to make an intelligent choice, so he favored an electoral system that put the final choice in the hands of the oligarchy, the few insider aristocrats who possessed the knowledge to make an informed decision.

Thomas Jefferson, the champion of grassroots democracy, believed that the common people possessed a huge reservoir of intelligence and were capable of making their own decisions, if only the body of knowledge necessary to making informed decisions were made available to them. Ignorance, not stupidity, was the problem at hand, and education, said Jefferson, was the key to an enlightened democracy.

The electoral system that we now have in the United States is a combination of both of these approaches. We elect the president and vice-president indirectly, through the Electoral College, but we elect almost all our other elected officials directly through popular vote, including our representatives to Congress and most state and local officials.

So why the civics lesson, you ask? ICSOM went through its own electoral catharsis last summer, and like the Adams-Jefferson tangle, ours had to do with the practical application of the principles of representative democracy. How do we pick our leaders? On what basis, what criteria? What do we expect of our elected leaders? What should they expect from us?

Until 2000, when the ICSOM bylaws were changed to give the Nominating Committee the discretion to not propose a slate of candidates for office, ICSOM operated under a John-Adams-like system. The Nominating Committee did the research on the candidates, organized a slate of candidates that broadly represented the membership, possessed the qualifications necessary to carry out its respective duties, and (most important, in retrospect) had agreed ahead of time that they could work together harmoniously. Although the opportunity for other nominations always existed, such nominations almost never happened. Delegates were generally content to trust the judgment of the Nominating Committee.

In light of this historical background, the decision of the Nominating Committee in 2002 to not prepare a slate for nomination proved disastrous. In the absence of an endorsed slate from the Nominating Committee, ICSOM delegates found themselves without the usual guidance that they had relied upon in the past. If they were to make an intelligent, informed decision, the delegates needed to seek guidance from other sources, either the opinions of other trusted leaders or, preferably, independent research on the candidates.

However, complete and verifiable information on the candidates was not actively sought by most delegates at the Conference; most relied instead on unsubstantiated information that was swirling around in backrooms. No detailed information at all was available on some candidates, particularly those who were nominated for office only hours before the election. The delegates thus found themselves swimming in a sea of uncertainty, ignorance, and confusion. As Thomas Jefferson would have predicted, the delegates' lack of education about the candidates—the information that the Nominating Committee had traditionally acquired and processed for the delegates—opened the door for chaos. As John Adams would have predicted, delegates fell victim to rumors, hysteria, and manipulation and were unable to distinguish the truth from the lies.

ICSOM's confusion between the Adams and Jefferson philosophies of voter education and empowerment, along with the absence of a prepared slate or slates of candidates, created a new ICSOM Governing Board with conflicting ideologies which was hamstrung much as the Adams-Jefferson administration was, thus inevitably forcing the resignations of a third of the Board (Scott Weber, Marsha Schweitzer, and Fred Sautter) within four months of their taking office. There can be no doubt, in the face of this grave eventuality, that the process by which ICSOM elected its officers last summer was seriously flawed.

It is interesting to note that the only officials we elect in the executive branch of the U.S. government are the president and vice-president, and we elect them together on one slate. All Cabinet members and their staffs are appointed or hired through civil service procedures. There is a good reason for that: executive officers must all pull in the same direction. One of the most profound things I learned in my studies of *Robert's Rules of Order* last year was that deliberative bodies, like the U.S. Congress or the ICSOM Conference, for example, should embody all the various and conflicting viewpoints contained in the organization, because we want all the diverse positions of the constituency, including minority positions, to be heard in the debate, and therefore the members of such deliberative bodies should be fully representational and should not be elected on slates. Action groups, however, like the executive offices of government or the ICSOM Governing Board, who are charged with the implementation of the deliberative group's decisions, should contain only those people who are 100% behind the required action and can work together in furtherance of that common goal. You do not want dissenting voices in an action group.

The ICSOM Governing Board is an action group, an administrative body, not a representative body. ICSOM officers are elected not to embody and champion a certain position held by a segment of the membership, but

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## Editor's Report

Tom Hall



On the previous page is a homily by former *Senza Sordino* editor Marsha Schweitzer. I personally have great respect for Marsha and high regard for her contributions to ICSOM over the years, but on this occasion I find it necessary to provide a contrasting perspective to her views, especially with regard to the role of the ICSOM Nominating Committee.

Having been a member of the ICSOM Governing Board at the creation of the Nominating Committee in 1984, and having served on that committee many times since then, I can speak with some authority on the reasons for its formation and on the way it has functioned.

As is customarily explained in the committee's annual report at the ICSOM Conference, the Nominating Committee was established for two main reasons. First, such a committee would save the ICSOM Governing Board a great deal of time in finding suitable candidates when incumbents expressed their intent to not serve another term of office. Second, in those instances when incumbents did intend to seek another term, the Governing Board felt it was a conflict of interest to be involved in the nomination process. Compatibility of Governing Board members was certainly one criterion in considering potential candidates, but the Nominating Committee was not created to put forth a package deal.

For many years, the Nominating Committee served its function without controversy. However, in the later 1990s (as noted in the committee's annual reports) there were objections that the committee's nominations amounted to endorsements which guaranteed election and which discouraged other candidacies.

In response to this concern, ICSOM bylaws were amended in 1999 to allow the Nominating Committee to nominate no one if it saw good reason to take such action. In that year, consistent with the bylaws amendment, the committee nominated the three incumbent members-at-large who chose to seek reelection, but it chose not to nominate a fourth candidate, knowing that there were number of other qualified persons who had expressed interest in running. The committee did not want to discourage any of those persons from seeking office by nominating one of them in preference to the others. For the same reasons, the Nominating Committee in 2001 saw fit to nominate no one for member-at-large. In those years, no one raised a hue and cry because of lack of direction.

Some of the reasons for the 2002 Nominating Committee's decision to nominate no one cannot be stated publicly because the committee operates, of necessity, in confidence. The appraisals of candidates offered in confidence to the committee cannot be revealed, nor can the committee's insights and private deliberations. It must suffice to say that after considerable research and many hours of telephone calls and exchanges of e-mail, the committee was well aware that some persons had decided to independently put forth a slate of candidates, and that other persons recommended to the committee were undecided about whether or not to seek

office. The committee thought it best not to nominate any potential candidates, feeling it more appropriate to let each individual announce his or her candidacy if and when and in the manner he or she chose to do so. As usual, this decision was announced in advance of the conference and reported to the conference in Ottawa. At no time was concern expressed that the committee was acting unwisely or irresponsibly in its action.

Marsha seems to think that the 2002 Nominating Committee could and should have come to a different decision than it did. In my judgment and that of my colleagues on the committee, Herb Winslow and Nancy Agres (with whom I consulted in preparing this column), knowing what we knew, we had no other choice. I am confident that the 2003 Nominating Committee will act with the same integrity, industry, insight, and responsibility as its predecessors, and I disagree that this committee and future committees should be bound to make nominations if it feels that it is in the best interests of ICSOM to not do so.

I also see no value in rehashing the unhappy politics of the 2002 conference. I do not agree with those who assert that lessons will be learned, and healing occur, only by fully exposing and dwelling on all the backroom electioneering that took place. I do not agree that failure to examine every detail of who said what about whom amounts to hiding one's head in the sand. Awareness of the past can help us deal with the present and face the future, but I think the more appropriate and constructive maxim here is that constantly picking at a wound does not promote healing.

Is the lesson of 2002 that delegates should always have a Nominating Committee do their thinking for them and guide them? I think not. The lessons to be learned from the last few years are quite obvious, are not new, and don't need yet another painful look at the past: isolation, polarization, and lack of communication create and feed on dysfunction and ill will, and even well-intentioned people can go astray.

Have those lessons been learned? In my judgment the current Governing Board is operating effectively and without rancor and division. Communication among all members through frequent e-mail exchanges and conference calls is ongoing and productive. There are differences of opinion—such is to be expected—but there is now no factional schism. From my perspective, the catharsis of 2002 is over and institutional healing is complete. I hope that individual healing will also take place.

Finally, I have to speak in support of the newer members of the Governing Board. To suggest that Jan Gippo, Brian Rood, and Laura Ross were last-minute and less qualified candidates who got on the Governing Board because of a flawed process is neither accurate nor fair. They have been active in ICSOM or ROPA for many years, were well known to delegates before the Ottawa conference, and have often been recommended as potential candidates for office. All the nominees had the opportunity to speak to delegates and let their positions be known, and the delegates made their choices by secret ballot vote. Marsha suggests that delegates were ill-informed and made the wrong choices. I have more faith in the delegates and in the democratic process than that. Of course, if delegates to the 2003

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## **Musicians on Boards: Must We?**

**Leonard Leibowitz**

A significant number of ICSOM (and ROPA) orchestras have negotiated representation of orchestra members on the boards of their orchestras or on board committees. The often-expressed values of musician representation on boards include access to financial information about the institution, the development of personal relationships with board members, and rank-and-file musician input into board decisions which directly affect the members of the orchestra. Some of the musicians chosen to become board or board committee members also serve on the orchestra players committee and/or the negotiating committee.

On the other side of the ledger, there are negatives that include tokenism, *i.e.*, the board can boast that musicians are involved in governance when in reality their votes (if they are actually granted voting power) have little real clout; a certain real or perceived divided loyalty when there are controversial issues between the board and the musicians; manipulation of musician representatives in the hope and expectation that the orchestra will see it the board's way when one of the musicians is doing the "selling"; and the potential if not the reality of a conflict of interest, or the perception thereof, as it applies to musicians who also serve on player committees.

Examples of some of these negative features abound. One orchestra board asked the musician members to leave the meeting when a discussion of creating a summer season was to be held. The reason given was that the musicians had a direct personal stake in the issue and therefore ought not be permitted to speak about it or hear other board members speak about it. In another orchestra the musician members were excused when a board discussion of the question of the renewal of the executive director's contract was the next item on the agenda. And, of course, virtually every musician board member is excused when a matter of collective bargaining and/or pending grievances is to be discussed.

If these are not the kinds of issues into which musicians should have input, what is the point of board membership?

For me, the worst of it is the subtle but perceptible transformation from rank-and-file musician to board member which almost always occurs after a period of time spent sitting through board meetings and being subjected to the constant barrage of board "realities," board perceptions, board pessimism, and board failure to bear in mind the mission of the organization—that it is *not* "just like their profit-making business" and that the ultimate goal is *not* a balanced budget but the communication of an exquisite art form. If the musician representatives report their experiences to the orchestra at all (and one wonders how often *that* occurs), inevitably what is reported is all of the aforementioned negativity.

I am not advocating that we become ostriches. Getting information, hearing good or bad news, and providing input from the rank and file are important ends to be achieved. But these ends are achievable without board membership and, thereby, without the aforementioned negatives.

Provisions can be negotiated into collective bargaining agreements requiring that the agenda of every board meeting, or even board committee

meetings, be sent to the local union and/or the orchestra committee well in advance, and requiring that, upon request, musician representatives be invited to attend, listen, receive all documentary material, and offer input on any issue—including input on collective bargaining and grievances!

If it is merely the creation of social relationships that is sought, then mixers, cocktail parties, and dinners can be arranged at various times and places, including before or after concerts—assuming some members of the board actually attend concerts.

Moreover, service on certain *ad hoc* board committees is justifiable and mutually advantageous, *e.g.*, music director or executive director search committees; committees to search for, or to participate in arranging for, the construction of new concert halls or rehearsal facilities; and the like. These are temporary ventures that cry out for musician involvement but that do not carry the negative implications listed above.

Fortunately or unfortunately, there are substantial differences on too many issues for there to ever be a total elimination of the adversarial aspect of any employee-employer relationship. It is true in the private sector, and it is certainly true in not-for-profit arts organizations as well. There is nothing inherently evil or wrong about that, nor does it mean that the parties cannot be respectful and cooperative with each other. It just means that the relationship should remain platonic, so that we stay out of bed with each other.

*Leonard Leibowitz is ICSOM Legal Counsel.*

### **DISCLAIMER**

*The two articles on this and the following page, setting forth different points of view on the issue of musicians on boards, are purely the opinion of the writers and do not necessarily reflect an official ICSOM policy. There is no official ICSOM policy on this issue. We publish these views as a presentation of the pros and cons of the issue, and we hope that they will be helpful to orchestras in making decisions regarding their participation as members of their boards.*

## **Musicians on Boards: A Useful Tool**

**Robert Levine**

The notion of orchestra musicians serving on their employers' board of directors or board committees has long been controversial. Whether musicians sit on boards because of long-standing practice within the institution or because the collective bargaining agreement requires it, traditionalists view the idea with great suspicion. Board service can indeed be hazardous. But it can also be a uniquely useful tool for those orchestral bargaining units who understand how to use it to their advantage.

The idea of workers serving on the governance bodies of the institutions that employ them is not new. In Germany, workers have been represented, by federal statute, on their employers' boards since 1951 in a system known as "co-determination" (*Mitbestimmung*). Similar structures are in place in some of the Scandinavian countries.

Attempts to do the same in the United States have a long history but have not been mandated by government. Nor have they been actively supported by most labor unions; some have been quite hostile to the concept. Nonetheless there are workers sitting on governance bodies throughout the US.

There are inherent risks in such involvement. Musicians on boards or committees can be marginalized by their lack of knowledge about the subject at issue. (This is a particular danger on a committee dealing with specialities such as finance or marketing.) Their involvement can be characterized as approval for decisions to which they were opposed. Their point of view on a board or committee will often not prevail. And, of course, they can be co-opted—although sometimes what is called "co-option" is simply the musicians learning some uncomfortable truths about their institution and trying to pass them on to their colleagues.

But there are powerful advantages to such board service. Being on a board or board committee remains the best way to understand the board's internal dynamics, its relationship to the professional staff, and the board members' attitudes towards the orchestra and the musicians. There is no substitute for frequently working in person with a group of people if one wants to understand them, which is why businesspeople still travel in an age of easy videoconferencing. Board members generally get far more detailed, and better-explained, information about how things are going for the institution than do any other group. Serving together on a board or committee is also the best way for the board members to get to know musicians as other than faceless and fungible instrument operators. Perhaps most important, serving on a board provides a formal avenue—and can create many informal avenues—for board members and musicians to interact directly on substantive issues, thus reducing the ability of the paid staff to play off the board against the musicians to their own advantage. And yes, there are managers who play that game, to the invariable detriment of the institution and its musicians.

But for these wonderful things to happen it is necessary to set ground rules, the most important of which is that musician representatives on boards and committees have one and only one function: *to represent their colleagues*. That is why no musician should sit on a board or board committee without being put there by the bargaining unit. It is also why the

orchestra committee has to be seen by all the musician representatives as the leadership group, from whom they all take direction.

Of almost equal importance is the need to communicate what musician representatives learn back to the orchestra, the orchestra committee, and the other musician representatives. One successful strategy is to hold periodic meetings of all the musician representatives to the board and board committees simply to exchange information. Another technique is to publish a periodic internal newsletter with contributions from all the musician representatives.

It is also important for those elected to represent their colleagues to try to learn something about what their committees do. One doesn't need to be an accountant to sit on the Finance Committee or a marketing genius to sit on the Audience Development Committee, but reading a few books on the relevant subject wouldn't hurt either.

So put on an attitude of cautious optimism and go forth and sit. You'll learn some useful things about your orchestra and the people that run it. And you might change some minds on the staff and on the board.

*Robert Levine is a member of the Milwaukee Symphony Orchestra and immediate past chairperson of ICSOM.*

### **Elections**

*(continued from page 4)*

rather to administer the organization. The delegates are the representatives of positions, bringing the point of view of their orchestras to the floor of the Conference for debate and legislative decision-making. It is the job of the Governing Board to handle the day-to-day running of the organization and carry out the will of the membership as expressed through the delegation at the Conference, not to unilaterally decide what position the organization will take on issues. The personal opinions of Governing Board members on the issues should be irrelevant.

The point is not who won or lost last year, but how and why they won or lost. Let's learn the lessons from last year's ICSOM election, as the citizens of the United States did from their election of 1800, and resolve now that the 2003 ICSOM elections will be run very differently. We proved last year in Ottawa that a board election from an open field which produces conflicting personalities or ideologies on the new board also produces discord and resignations. ICSOM must return to the nomination and election of slates, whether those slates are prepared by the Nominating Committee or by the candidates themselves, announced in advance of the Conference. Let's also see to it that we have all the information we need, well ahead of the Conference, to make the right choices for the right reasons.

ICSOM musicians are intelligent people. I believe, as Jefferson did, that given all the facts and the time to digest them, we are capable of making competent choices. Let's be sure that winners win and losers lose because of their own demonstrated qualifications, commitment, and actions, not because of illusory rumors, hearsay, testimonials or allegations.

*Marsha Schweitzer is a member of the Honolulu Symphony and was editor of Senza Sordino from 1996 to 2002.*

## Orchestra Reports

### **Louisville Musicians Unpaid**

**by Trevor Johnson**

**Chairperson, Louisville Orchestra Musicians' Committee**

The musicians of the Louisville Orchestra are caught between the proverbial rock and a hard place. For the first time in the orchestra's 65-year history, payrolls have been missed and delayed. On the recommendation of counsel Leonard Leibowitz and other advisors, we are continuing to work in spite of the payroll difficulty. It was necessary to withhold our services for four rehearsals and a concert until we could get satisfactory assurances from our board that if we continued to work, the board would not contest our application for unemployment benefits and would allow unconditional short-term leave to pursue employment that *would* pay us. Although having no guarantee when paychecks will arrive has taken its toll on the already underpaid musicians of this orchestra, continuing to work gives us a platform for our media campaign to educate the public on the real problems, and it keeps us proactive in the search for solutions while giving concerts to our supportive community.

Mr. Leibowitz has characterized the musicians as being locked out under the theory of "constructive discharge." Unfortunately, however, our unusual situation does not qualify us for unemployment benefits or AFM Strike Fund benefits. Instead, we have launched our own welfare efforts by selling bumper stickers and yard signs. We also have a "How You Can Help" link on our musician website, [www.savetheLO.org](http://www.savetheLO.org). We ask that everyone visit this site.

There are a few glimmers of hope on the horizon. We have the support of other unions who contribute to the Fund for the Arts (which the musicians continue to believe is the major factor in our difficulties) through payroll check-off. The Central Labor Council, the state AFL-CIO, and the Jefferson County Teachers' Union have all written to community leaders indicating that if an external review of the allocation procedures of the Fund for the Arts does not happen immediately, they will rescind their payroll check-off and put the money in an escrow account until such a review occurs. Our media campaign and website information caught the attention of Mayor Jerry Abramson, who convened a summit meeting of all interested parties on May 29. Unfortunately, the mayor himself did not attend, but he sent his arts liaison. Twenty-one people, including musician representatives, counsel Leonard Leibowitz, board and management representatives, and representatives from the Fund for the Arts were also in attendance.

Representatives of the Fund for the Arts tried to explain what they had done over the years to help the Louisville Orchestra and announced a plan, in conjunction with the orchestra's board and management, that they thought would help the orchestra in its current plight: \$900,000 over two years was offered by the Fund for the Arts to the orchestra—the same money already on the table in early May designated as "additional community support"—as long as the musicians also conceded salary in the amount of approximately \$900,000. They said that our concession needed to take the form a loss of three weeks of work and a weekly salary freeze

from now until the end of our CBA in 2005. (They said they would also consider a two-week reduction in season length if we agreed not to fill vacant musician positions. That, of course, is unacceptable, since the vacant positions include principal bass, assistant concertmaster, and second flute.) After caucusing, the musicians said a clear No. The meeting concluded fairly quickly after each of the city's leaders at the meeting expressed anger and disappointment that the musicians were being stubborn "after all they had done for us."

Of course, the musicians know that the reality is much different. There are two main reasons for our continuing to say No. One, there is money to get through the short-term crisis and maintain our CBA in the form of a second Ford Foundation endowment and in the form of record fund-raising from the Fund for the Arts. Two, holding back their offered money until the musicians concede an equivalent amount is offensive and unfair at best when the \$1 million in musician concessions in the 1990s and current base salary level (\$33,000) are considered.

The orchestra's board announced in a press conference following the May 29 meeting that the board would be having an emergency meeting on June 2 to recommend the filing for bankruptcy. June 2 came and went without such a meeting because they were not able to collect the needed legal advice in time. The meeting was rescheduled for June 9.

We are still hopeful that continued behind-the-scenes pressure and the mounting campaign of our fellow union members in Louisville will be effective. We musicians of the Louisville Orchestra remain unified against any attempt to re-open our contract, which runs until August 2005, knowing that the solution to budget problems lies in improving revenue. We are hopeful that our pressure on so many fronts and the support of many other organizations will cause a speedy, positive resolution to the nightmare we have endured for the past several months.

*[Ed: Readers wishing to make financial contributions to aid the Louisville musicians can send checks, payable to LOMA, to LOMA, 430 West Mohammad Ali Blvd. #1702, Louisville KY 40202.]*

### **Florida Philharmonic Files for Bankruptcy**

**by Jay Bertolet**

**Florida Philharmonic ICSOM Delegate**

It is Monday, May 19. As I sit here at my computer this evening, my mind is a blur of activities and conversations. Being out of work has never been such an exhausting activity! But the eighty members of the Florida Philharmonic are in that position, almost a kind of purgatory, not knowing what tomorrow will bring and not knowing which way to proceed.

The board of directors of the Florida Philharmonic filed for bankruptcy last week. It was a dagger in our hearts. None of us were ready to listen to the news that the FPO was going to dissolve into oblivion. After a few days of soul-searching, the musicians dug in and prepared for the fight. You

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## **Orchestra Reports**

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see, there *was* a ray of hope: the orchestra filed for Chapter 11 bankruptcy instead of Chapter 7. Hopefully none of you know, or will ever need to know, the difference between those two legal machinations. In the former, the disposition of the assets is controlled by the institution filing for bankruptcy. This allows those assets to remain in our community, thereby giving any future orchestra a head start in organizing itself. Chapter 7 means that the orchestra's assets are sold, by a ward of the court, to the highest bidder and they can end up anywhere.

Also involved in Chapter 11 is the possibility of reorganization. That is our current focus. I've been selected to be the musicians' representative at the bankruptcy hearing. During that hearing, the judge should approve an agreement we have made with the FPO's bankruptcy lawyer that temporarily suspends our CBA for 30 days. This, ostensibly, will give the board time to find a person or group of people to take over the FPO, buy its assets, and return it to the stage. It seems mostly like a dream at this point, but it could happen.

We have hope when we read the outpouring of support we've received from our community. Even though most are not capable of solving our money problems, they are truly outraged at the demise of the FPO. They've publicly voiced their objections and those statements have been aired in the print and video media. The message is clear: Save the FPO!

It is the same message we've been gratified to receive from our ICSOM colleagues. Your letters and phone calls of support have been most heartening. Your offers of assistance have been warmly received and appreciated. Certainly ICSOM has done all that we've asked.

But now the final deadline looms. We have 30 days to find a new board and the money necessary to save the institution. A daunting task, to say the least, but achievable. As I sit here, trying to remember to file my health insurance papers, make the necessary phone calls to secure our instrument insurance, and reexamine the bankruptcy papers one last time, I can't help but wonder what I'll be thinking in 30 days. I hope it's enough time.

*[Ed: Readers wishing to make financial contributions to help the FPO musicians through these difficult times can send checks, payable to the Florida Philharmonic Musicians Association, in care of Jay Bertolet, 2191 SW 117th Terrace, Davie FL 33325-5228.]*

## **San Antonio Goes Unpaid**

**by Dan Zollars**

**San Antonio Symphony ICSOM Delegate**

The musicians of the San Antonio Symphony, already suffering under a concessionary agreement barely nine months old, are again faced with a declaration of financial emergency. The board also voted to cancel all rehearsals and concerts after May 3 and to retain bankruptcy counsel. As of press time we had not been paid since May 15, and much of the staff has been laid off as well.

Public support has been favorable, and we have recently hired a public relations consultant to help us do more. The orchestra played *The Star Spangled Banner* before the San Antonio City Council and will perform again before the newly elected council soon. After meeting with the orchestra committee, Mayor Ed Garza publicly urged the symphony board to continue mediation before considering bankruptcy, and he stated his intention to form a task force to explore how the city can help relieve the symphony's financial problems. The mayor has also agreed to participate in a public forum we are organizing.

We thank our attorney, Leonard Leibowitz, with whom we communicate on a daily basis. Thanks also for the support we have received from ICSOM and from our colleagues around the country.

## **SPCO Ratifies Revolutionary Contract**

**by Leslie Shank**

**Saint Paul Chamber Orchestra ICSOM Delegate**

The Saint Paul Chamber Orchestra is one of several orchestras working on a strategic plan under the auspices of the Mellon Foundation. As a result of that work, the SPCO Contract Renewal Committee decided to use a facilitation team for negotiations instead of lawyers. Industrial psychologist Paul Boulian and Symphony Orchestra Institute president Fred Zenone worked with members of the orchestra, the board, and the management. Beginning in September 2002, Paul and Fred led many lengthy discussions about the strategic plan and how to incorporate it into the collective bargaining agreement. From time to time, the Contract Renewal Committee and management and board members met with the entire orchestra. We were told about the progress of discussions and provided feedback about things we liked and disliked. Until early 2003, discussion concerned how to achieve greater musician input into artistic matters, including auditions; there was no mention of finances.

In February, we were told that the institution's financial health was poor due to a depressed endowment, loss of foundation funding, and diminishing government support. As a result, eleven staff members (25% of the staff) were laid off, and the remaining staff took salary cuts to help balance the budget for 2002-2003. Shortly afterward, the Contract Renewal Committee held an orchestra meeting to explain our condition and inform us that management would be asking us to help reduce the budget for the 2003-2004 season by \$700,000. Many more hours were spent by the Committee working out the finer details of the new contract, occasionally meeting with the entire orchestra. At one orchestra meeting late in the process, the orchestra narrowly defeated a motion to involve our lawyer, Susan Martin, and there was an extensive e-mail campaign by members of the orchestra debating various components of the potential agreement.

The contract was ratified on May 27, by a vote of 19-15. The contract length is four years. The length of the season went from the current 38 weeks with

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## President's Report

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Originally, results were hand-tabulated by member orchestras and conveyed to ICSOM's Rapid Communication Center for dissemination. Since 1982 conductor evaluations have been tabulated by computer at Wayne State University in Detroit and stored there in a database. In 1990 ICSOM, ROPA, and OCSM adopted resolutions that allowed access to each other's conductor evaluation information.

Participation among ICSOM orchestras in this program has waned over the past several years. Former ICSOM president David Angus convened a task force during the Conference last August to study this trend and solicit feedback from the delegates in attendance. Michael Moore and I have tallied the results from a brief but comprehensive questionnaire.

- 65% of ICSOM orchestras reported using ICSOM conductor evaluation forms in 2001-2002, but only 37% actually sent completed forms to Wayne State University.
- 57% of ICSOM orchestras use their own internal forms for at least some of their conductors, and 35% use internal forms in addition to the ICSOM forms.
- 37% of ICSOM orchestras find the Conductor Evaluation Program useful, 33% said they do not, and 10% said they do not use the forms but do support the program. 20% did not answer this question.

Many orchestras continue to find this program to be of value to their musicians. The Governing Board would like to find ways to improve the program so that more orchestras will use it to provide managements with artistic input.

To make the program easier to work with and to access the results more quickly and efficiently, Michael and I are working on the following ideas for the consideration of the 2003 Conference delegates:

- Establishing a Web-based system with wsu to handle all or part of the program online with password-protected databases. Accessing the database online would make it substantially easier and quicker to obtain data about different conductors.
- Simplifying the questionnaire by including only the most pertinent questions regarding conductors. We have looked at orchestras that switched to using internal orchestra forms only and found that many have questions that are simpler and more to the point.
- Relaxing long-standing restrictions on the distribution of conductor evaluation data, making it available to orchestra members. Some years ago ICSOM spent considerable resources to successfully fight a lawsuit involving a conductor unhappy with his evaluation. Changes were subsequently made to protect ICSOM's interests regarding such challenges. With legal assistance we may be able to craft a policy that will provide easier access to the database while ensuring the protection of ICSOM's interests. Rewording some of the questions may also decrease ICSOM's legal liabilities.

An added benefit of streamlining the procedures for filling out, compiling, and accessing the information would be to make it easier for delegates

to implement the program. Perhaps more ICSOM musicians would serve as delegates if the conductor evaluation program responsibilities were simpler and more efficient.

If you have comments or suggestions about this program, please let your delegate know before the Conference in August. You are welcome to contact Michael or me directly as well. We look forward to your responses and ideas.

## Brainstorms

by Julie Ayer

Minnesota Orchestra ICSOM Delegate

I continue to work on my book, *More Than Meets the Ear*, gathering information, interviewing numerous colleagues, studying the Minnesota Orchestra master agreements since 1960 and interviewing each negotiating committee, and using the ICSOM CD-ROM and many other resources. My goal is to document the musicians' struggle with their managements, their local unions, and the AFM to establish ICSOM. I am continually inspired by the people I have spoken with, and there are many—my family, colleagues, Minnesota Orchestra staff, ICSOM and AFM personnel, managers, labor lawyers, retirees, and others who have helped me in my quest for yet another detail.

One thing has led to another in a way that seems to complete the story I am working on at the moment. The project seems to have a life of its own, and my deadlines have proved unrealistic and impossible to meet. Since I am not a writer, it has been easy to feel overwhelmed. It is an understatement to say this has been an agonizing process. I would much rather be practicing . . . wouldn't I?

I am finally at the end of the research and the interviews and am assembling these complex and fascinating stories. The main thread is the founding and development of ICSOM, but other topics have risen that have affected our profession and are too important to omit: a brief history of American orchestras and the role of the union at the turn of the 20th Century, the rise and fall of union boss James C. Petrillo, the specter of McCarthyism, the Ford Foundation grants, the establishment of the National Endowment for the Arts, civil rights, women's issues, and contrasts between American and European orchestras. I have used the Minnesota Orchestra from 1960 to 2002 as a case study for the benefit of new orchestra members and negotiating committees.

The musicians' grassroots labor movement is as important to our collective history as the conductors, managers, staff, board, donors, volunteers and countless others involved in each orchestra's existence. If there is anyone that would like to share something with me, offer advice, supply particularly good anecdotes—or just offer sympathy!—please contact me. (I am still seeking information in pre-ICSOM individual contracts for women, and want to know if candidates were asked to send photos, as are candidates in Germany.) Thanks to all who have offered their support.



## **Chairperson's Report**

*(continued from page 2)*

the process I have just laid out. During the war in Vietnam, we heard that "we had to destroy the village in order to save it." It seems that most orchestra managers have the same mentality. It is we musicians who ultimately have to protect our rights as union members to collectively bargain for wages, benefits, and working conditions, and now it is necessary to protect our art as well.

We musicians must become sophisticated enough about finance and budgeting so that we can speak the language of management. Some managers assume we have no abilities beyond playing our instruments. If we have the ability to understand our institutions' budgeting processes, income and expenditures, strengths and weaknesses, we can then speak this budget language with these managements and boards. Too many managers decide to cut the entire product rather than the specific concert or soloist that is costing the most money. A true profit-and-loss statement would show which concerts or soloists are losing the most money so that appropriate action could be taken. If in fact a major soloist is too expensive, but the musicians and management both agree that he or she is needed for the good of the institution, then at least the musicians know where the money is going. Once we show managements that we understand a budget, we can ask for very specific items in that budget and give clear direction regarding the allocation of some of the funds. Managers might still disagree with us, but we can demand that they stop treating us like children who need their parents to look after them. Understanding a spreadsheet and being able to interpret the cash flow will make it less likely that managements will try to hide their financial mistakes.

Management language is not a bad language, nor is it an insensitive language. It is, however, a different expression of how the reality of the orchestral institution needs to work. When all is said and done, it is the musicians who are the guardians of the core values of music, music performance, and the art of music in our society. Businesspeople still have trouble understanding the arts, especially the performing arts. They have no real insight into what it takes to become world-class musicians, and they have a hard time understanding why art is a necessity rather than just an entertainment. They still think we "play" instead of work for a living, and that we don't mind "playing" for free once in a while. We must change their mindset, and we can't do it unless we get their attention and speak their language of finance. If we do not have equal voice in the financial discussions, our institutions will fall apart. It will be almost impossible to rebuild an orchestra that has reduced the product to a cut-rate bargain. Our best method of saving an institution is to have all parties working together and pulling in the same direction. Institutions work and survive in America when all the participants have ownership. Hasn't history shown us that a dictatorial edict from one person never leads to success? It is symphony musicians who must lead this charge to change.

## **SPCO Contract**

*(continued from page 9)*

4 vacation weeks to 32 weeks with 2 vacation weeks in the first two years, 33 weeks with 3 vacation weeks in the third year, and 34 weeks with 3 vacation weeks in the fourth. The orchestra's minimum salary in 2003-2004 will be \$56,560, down from the current \$65,740. Pay includes an electronic media guarantee (EMG) and what was formerly unemployment compensation (payment which had been fully funded by the Society to compensate musicians who applied to the State for unemployment pay). An additional variable payment will be made only if net revenue in a given year exceeds expenses for that year. Musicians will contribute 10% of individual premium cost and 20% of family premium cost for dental and medical coverage, with higher co-pays in order to reduce the Society's cost of insurance. Before this contract, musicians paid no premium.

Two part-time positions (second trumpet and second flute) are now full-time. There are two new permanent committees which will give musicians a much greater voice and responsibility in guiding the SPCO. An Artistic Vision Committee of three musicians and two managers will have primary responsibility for all aspects of programming, selection of all guest artists and conductors, rehearsal schedules, tour and recording planning, and development of a plan for feedback about the quality of SPCO performances. The Artistic Personnel Committee, also three musicians and two management personnel, will oversee auditions, tenure review, and dismissal. Three musicians will serve on the SPCO Board Executive Committee as well.

## **Editor's Report**

*(continued from page 5)*

conference wish to review, discuss, and revise ICSOM's electoral procedures, this can be done in Vail in August.

Following Marsha's resignation in October, I agreed to serve as editor until the next election. I do not intend to seek election at the upcoming conference for the remaining one year of office, and I take this opportunity to express my gratitude for the opportunity to serve and my admiration for the other members of the Governing Board and the outstanding job they have done in a difficult year. I also wish to thank all those who contributed material for publication this season.

Finally, I am pleased to report that the materials which I prepared for ICSOM's fortieth anniversary last year are now available, updated, in a special "History" section of the ICSOM website, [www.icsom.org](http://www.icsom.org). These include a year-by-year summary of ICSOM history, based on conference minutes and *Senza Sordino*; issues addressed by ICSOM over the years; and lists of ICSOM orchestras by year of entry, sites of ICSOM conference, and ICSOM officers and delegates since 1962.

# AFM Convention Watch

The May 2003 *International Musician* contains 18 recommendations from the AFM International Executive Board (IEB) and 52 resolutions submitted by AFM delegates, locals, and conferences for consideration at the AFM Convention, to be held in Las Vegas June 23-25. Orchestra members are encouraged to read these proposed AFM bylaw changes as some of them could have a major impact on ICSOM orchestras.

Recommendation #7 proposes a *per capita* dues increase over a 4-year period. Recommendation #17 would allow an orchestra, or any other CBA entity within a local that has its own bylaws, to vote to prohibit members who serve on orchestra or employer boards from participating on any committees or from participating in meetings where contract issues are being discussed. Recommendation #17 deals with a controversial subject, but the Governing Board believes that every orchestra should be able to determine its own approach to this issue.

Current AFM bylaws require that locals pay to send delegates to meetings of the Player Conferences every year. Resolution #6 would reduce this requirement to once every other year, and would also limit a local's expenses to what would be required to send a delegate to the AFM Convention. This resolution is seriously flawed. Our annual conferences are vital to allow our members to meet and discuss issues that impact our entire industry. To hamper our ability to meet, especially now when communication is so important, is foolish. Please be sure to speak to your local officers and delegates and let them know that your orchestra opposes this resolution.

Other resolutions impact us and require our attention as well. One seeks to impose work dues on income from special payment funds, and another would increase minimum local symphonic work dues (currently 1%) to 2% and increase symphonic work dues paid to the AFM (currently 0.5%) to 0.75%.

ICSOM has co-sponsored three resolutions. Resolution #8 removes the Canadian exception from that part of the AFM bylaws which bars Local officers from serving as contractors for musical theater. Resolution #40 not only removes the Canadian exception but bars Local officers from acting as contractors for *any* type of musical employment. Resolution #33 proposes that the trustees of the AFM-EPF include two rank-and-file musicians, with one being a symphonic musician. Currently there is only one rank-and-file musician serving as a trustee of the AFM-EPF.

Orchestra members serving as AFM Convention delegates are invited to meet prior to the Convention on Sunday afternoon to discuss these and other proposed bylaw changes. If you are a delegate, please contact me for more details about the Sunday meeting.

Laura Ross, ICSOM Secretary

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

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A Conference of the American Federation of Musicians — AFL—CIO

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Chicago Lyric Opera Orchestra  
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Cleveland Orchestra  
Colorado Symphony Orchestra  
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Virginia Symphony



[www.icsom.org](http://www.icsom.org)

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# Senza Sordino

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## The 2003 ICSOM Conference

by Tom Hall, Chicago Symphony

ICSOM delegates convened at the newly remodeled Antlers condominium complex in Vail, Colorado, August 20–23, for the 2003 ICSOM Conference. All ICSOM orchestras were represented except Pittsburgh (on tour), New Jersey, the New York City Opera Orchestra, and the San Francisco Opera Orchestra. The Puerto Rico Symphony Orchestra joined the ranks, increasing ICSOM's current membership to 52 orchestras. [Editor's note: a profile of the Puerto Rico Symphony Orchestra will appear in an upcoming issue of Senza Sordino.]

AFM president Tom Lee and seven other IEB members attended, as did Symphonic Services Division (SSD) director Janice Galassi and other members of the SSD staff. Representatives of the Regional Orchestra Players Association (ROPA), the Organization of Canadian Symphony Musicians (OCSM), and the Recording Musicians Association (RMA) attended, and several local officers and observers from member orchestras were also present, making this one of the largest conferences ever.

The theme of the 2003 conference was "Getting Back to Basics and Looking Forward to the Future." Bill Moriarity, president of Local 802 (New York), gave the keynote address, citing the ongoing need for nuts-and-bolts union solidarity. ICSOM legal counsel Leonard Leibowitz and his wife, Peggy, gave back-to-basics workshops on collective bargaining agreements, grievance, and arbitration. Michael Kaiser, president of the John F. Kennedy Center for the Performing Arts, presented his ideas on the future well-being of symphony orchestras, and his speech engendered much discussion. [Editor's note: The complete text of Mr. Kaiser's speech to the convention is reprinted on page 10.]

Representatives of The Saint Paul Chamber Orchestra were on hand to discuss features of their new contract, including a dramatically increased role for musicians in the governance and artistic administration of their orchestra.

AFM president Tom Lee addressed the delegates, stressing the need for effective political lobbying to further musicians' causes. President Lee also

announced his appointment of Phillip Yao (RMA Los Angeles) as a rank-and-file trustee to the AFM Pension Fund, a selection urged by the player conferences.

In addition to reports by all the Governing Board members, reports were given on the ICSOM directory, conductor evaluation forms, the ICSOM Emeritus program, ICSOM's online services, the AFM Strike Fund, and media issues.

Resolutions passed at the ICSOM conference:

- approved an increase in ICSOM dues, restoration of a \$2 per capita assessment for the ICSOM Emergency Relief Fund (ERF), and imposed an increase in dues if paid late;
- raised the eligibility requirement for new member orchestras;
- restricted access to Media-L;
- encouraged greater attendance at ICSOM conferences;
- made various technical amendments to the ICSOM bylaws;
- altered the procedure for notification of orchestra ratification votes on ICSOM bylaws when required;
- increased legal counsel's retainer and approved a three-year agreement;
- approved honoraria for ICSOM staff positions;
- reconfigured the staggered terms for ICSOM Governing Board positions and amended the election process to accomplish this;
- expressed support for the musicians of the Florida Philharmonic and San Antonio Symphony;
- honored Robert Levine, David Angus, Lucinda-Lewis, Stephanie Tretick, Marsha Schweitzer, and Mary Plaine for their dedicated service to ICSOM;
- proposed honoring George Zazofsky, ICSOM's first chairman, with a plaque to be placed in Boston's Symphony Hall; and
- honored Abe Torchinsky for founding the ICSOM Emeritus program in 1983 and serving as program administrator since that time. (Abe was not able to attend; a plaque, shown to delegates, had been prepared to send to him.)

Resolutions are published in their entirety elsewhere in this issue.

\$2,362 was collected for TEMPO, including \$582 from sales of AFM mugs, t-shirts, and other items.

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## Chairperson's Report

Jan Gippo



I was extremely pleased at the attitude and enthusiasm of the Vail Conference. The delegates came with energy and questions and showed a willingness to work for a better symphonic world.

In my speech to the 2003 ICSOM conference, I made reference to ICSOM's ability to be the ambassador for symphonic music and the symphony musician. To that end,

since the conclusion of the conference, I have been in conversation with the Symphony Orchestra Institute (SOI) and the American Symphony Orchestra League (ASOL) to see if there are any projects on which we can work together to help become more effective in the orchestra community, and also in the nation's eyes as well. To paraphrase Dr. King, I, too, have a dream: that someday we all will be on the same artistic stage, working for the good of art, music, and the symphonic musician.

The five player conferences have a committee made up of the heads of each conference: the Recording Musicians Association (RMA), President Phil Ayling; the Theater Musicians Association (TMA), President Vicky Smolik; the Regional Orchestra Players Association (ROPA), President Barbara Zmich; the Organization of Canadian Symphony Musicians (OCSM), President Francine Shutzman; and ICSOM. After the Roehl Report of 1991, we were encouraged to meet with the International Executive Board (IEB) of the Federation once each year. We have started these meetings again, and our first get-together was September 14 of this year. I am pleased to report that this meeting went quite well. The Federation is so vast that the concerns of one conference can go unnoticed at times. This forum gives us the perfect time to review the AFM Convention and to review the past year. We spoke about the AFM Budget and SSD allocations and activities, pension issues and the new pension trustees, and a number of other issues.

The most important topic, however, was asking to set up communications with each of the IEB members and setting a process for better communications between each of the parties. We have asked for more presence in the *International Musician*, so that we can reach all the members of the Federation and let them know of our struggle, and we asked to be allowed to speak at the AFM Convention, to be better able to put a voice to the player conferences.

I believe that we are starting a new phase in the PCC/IEB relationship. We will keep in contact with each other, and will be able to solve problems sooner and with more clarity.

I want to thank each ICSOM delegate for his/her efforts. I believe we are truly unified! I want to also thank President Tom Lee, the IEB and the Federation for their show of support for our causes. A great cheer and thank you to the past ICSOM Governing Board, and to the new board members, welcome.

## President's Report

Brian Rood



As evident throughout this issue, the Governing Board was involved in many activities on ICSOM's behalf during the summer months. My column will focus on recent events from the president's perspective and projects currently underway.

ICSOM received an invitation by incoming League president Henry Fogel to attend the ASOL convention in June. Chairman Jan Gippo was unable to attend and asked me to go in his stead.

ROPA Member-At-Large Larry Gardner and I were received warmly and openly. We were afforded access to the many meetings and discussion groups. Larry and I spoke at the convention luncheon just before featured speaker Michael Kaiser. This marked the first occasion when both a ROPA and an ICSOM officer addressed the entire delegation at a League convention. Due to the very different schedule during a League convention—which is more like fourteen trade shows than one actual conference—the best opportunity for all participants to meet is at the conference luncheon. I have included my remarks at the luncheon for your review.

Just below is a link to Larry's extensive and well-written notes to two discussion-lectures he attended. The first, "Tackling Today's Economic Challenges," was moderated by Peter Pastreich. Although the presentation was designed for executive directors, Larry and I were encouraged to attend. This "leadership academy seminar" lasted two days and brought forth many ideas, possible solutions, and a list of do's and don'ts many musicians might very well like to see practiced on a regular basis. The second lecture, "Ethics in a Post-Enron World," offered an in-depth look at symphony board governance issues and involved hypothetical problem-solving cases based on actual events that recently occurred in our orchestras. I encourage you to visit Larry's website, <http://zimmer.csufresno.edu/~larryg/ropa/ropa.htm>, and see his notes of these League-sponsored presentations.

Chairman Gippo, Member-At-Large Jay Blumenthal, and I served as the three ICSOM delegates to the AFM Convention in Las Vegas in late June. Because of the combined efforts of the player conference delegates and ICSOM musicians who served on various convention committees, several recommendations and resolutions potentially unfavorable to ICSOM musicians were withdrawn or defeated.

It was a sight to see the wheels of democracy in action up close at the convention level. Delegates' concerns and proposed bylaw changes were given fair hearing and equal consideration. While I am disappointed that some ICSOM-supported resolutions did not pass we made considerable progress on several fronts. Special recognition goes to our RMA brothers and sisters, whose extraordinary efforts and sacrifices allowed a financial package that will hopefully land the AFM on sound financial ground.

(continued on page 14— see PRESIDENT'S REPORT)

## Secretary's Report

Laura Ross



Welcome back! Let me first say thank you to the rest of the Governing Board and to our delegates for a very successful ICSOM Conference. Robert Levine, who is the behind-the-scenes facilitator for my many postings on Orchestra-L, Media-L, Delegate-L and the ICSOM web site, was invaluable this summer as the assistant

conference coordinator and kept things running smoothly. I also wish to thank all the delegates who had so many nice things to say about our work this past year. It has been my very great pleasure to serve all of you as ICSOM Secretary. It is always incredibly gratifying as well to see so many activists gathering together to share ideas and ask the difficult questions that affect our livelihood every day. It was very exhilarating, but also exhausting.

It took me a while to recover from the conference, but I have gotten back up to speed. Settlement bulletins have begun to come in, and I anticipate many more will be coming my way and yours before winter arrives. Minutes from Governing Board meetings will continue to be posted as they occur on the ICSOM web page at <http://www.icsom.org>.

Delegates should have received their first mailing in mid-September that included newsletters, rosters, the Charlotte Symphony strike bulletin and the ballots regarding the five ICSOM resolutions your orchestras will consider this fall. Between now and November 21, when the ballots are due to be returned by registered mail to me, orchestras will be voting on raising ICSOM dues, reinstating the ICSOM ERF fund, implementing a late dues penalty, approving several "housekeeping" amendments, and changing the reporting method of these ratification votes. As you will read elsewhere in *Senza Sordino*, these increases are long overdue, especially in light of the additional services ICSOM is beginning to provide in the way of expanding communication.

I have also been diligently forwarding conference information to newly-elected *Senza* editor Sam Bergman as he prepared this issue. My writing skills were once again put to the test in the annual ICSOM conference report that appeared in the October issue of the *International Musician*.

The Governing Board is off to a great start, with our first conference call already under our belts, and another scheduled for mid-October. I am looking forward to working with Sam Bergman and newly-elected Member-at-Large Henry Peyrebrune this year. These two individuals have impressed me in the past with their thoughtful comments on Orchestra-L. I know they will be wonderful additions to the board.

Lastly, I would be remiss if I did not acknowledge the contributions of my colleagues departing the Governing Board. Mary Plaine has been a friend of many years, and I have always valued her input and leadership. She steps off the board, but remains a delegate for her orchestra, and will take on a new role as administrator of the Abe Torchinsky ICSOM Emeritus Program. My other long-time friend Tom Hall is such a gem that I don't know

(continued on page 13- see SECRETARY'S REPORT)

## Treasurer's Report

Michael Moore



I would like to thank all the delegates for the trust they put in me by electing me to a new one-year term. Below is the current state of our accounts, as of September 15, 2003:

Emergency Relief Fund	\$225,465.21
Chairman's SouthTrust	\$1,932.81
Secretary's SouthTrust	\$2,267.57
<i>Senza</i>	\$3,447.99
SouthTrust General	\$2,627.92
Mendelson Fund	\$30,890.74 (Minority scholarships)
AG Edwards General fund	\$29,257.47 (cash reserves)
Total in all accounts	\$295,889.71
Amount available to spend	\$39,533.76 (total minus ERF and Mendelson)

This amount is dangerously low (and will get even lower as additional conference bills come in), yet must last us until dues checks start arriving. In order to help this cash flow situation, temporary invoices will be emailed to all delegates based on last year's dues. A supplemental invoice will be sent when ratification of the dues increase is complete. Our cash flow will be greatly improved if orchestras send in their last year's amount as soon as possible. Without cash flow, we will be forced to either curtail important projects or borrow from the ERF. Neither are appealing prospects. The dues increases voted in at the Conference will go a long way towards eliminating shortfalls in the future, while at the same time expanding the ERF so that it will do the most good. I'd like to thank each and every one of you for your financial support of this organization.

### 2003 Conference

(continued from page 1)

The entire ICSOM Governing Board met with all the attending members of the AFM International Executive Board Friday afternoon, and the productive and stimulating exchange was praised by all participants.

Elections were held for the four member-at-large positions on the Governing Board. Incumbents Jay Blumenthal (New York City Ballet), Paul Ganson (Detroit Symphony), and Richard Levine (San Diego Symphony) were re-elected. Henry Peyrebrune (Cleveland Orchestra) was elected to succeed Mary Plaine (Baltimore Symphony), who declined to run again; Mary has agreed to serve as administrator of the ICSOM Emeritus Program. Michael Moore (Atlanta Symphony) was elected to serve out the remainder of the two-year term as treasurer, a post to which he was appointed after the 2002 Conference upon the resignation of Scott Weber. Sam Bergman (Minnesota Orchestra) was elected to serve the remainder of the two-year term as editor of *Senza Sordino*; Tom Hall, appointed to the post in October 2002 following the resignation of Marsha Schweitzer, chose not to run for office.

The annual ICSOM mixer was a beer-and-pizza party at nearby Mezzaluna restaurant. A good time was had by all.

## Backstage Roundup

Sam Bergman

What follows is a new take on Senza Sordino's traditional roundup of orchestra news. Items are culled from a variety of media sources, and expanded with the input and assistance of ICSOM delegates from around the country. Readers who wish a more timely and complete picture of the news regarding orchestras may avail themselves of several online resources, beginning with ICSOM's own *Orchestra-L*, an email service which can be joined by sending a request to [rtl@icsom.org](mailto:rtl@icsom.org). Other available online resources for music news include *ArtsJournal* ([www.artsjournal.com](http://www.artsjournal.com)), *Andante* ([www.andante.com](http://www.andante.com)), and Google News (a link can be found at [www.icsom.org](http://www.icsom.org)), all of which are updated several times a day. [Disclosure notice: Senza Sordino's editor is also an employee of *ArtsJournal*.] This issue of *Senza* went to press on October 1, and all reports below were accurate as of that date.

At press time, the **Charlotte Symphony Orchestra** was embroiled in a strike over proposed cuts to musicians' wages and to the orchestra's season. The CSO ran a \$650,000 deficit in fiscal 2002, the first such shortfall in seven years. The orchestra management wants to close that gap with a reduction of the number of weeks in the season, and a concomitant wage cut. CSO musicians have made a compelling case that the deficit is an aberration, and that slash-and-burn tactics should not be necessary to eliminate it in future years, but management has held firm in its demand for pay cuts. The CSO's season-opening concerts were cancelled by the strike, and an initial round of mediated talks collapsed after two days, when CSO management pulled several conciliatory portions of its offer off the table. Musicians of the CSO performed a free concert in place of the scheduled season premiere on Saturday, September 13. Press reports indicated that the free concert was very well attended, and that the audience was overwhelmingly supportive of the musicians.

The chairman of the **Philadelphia Orchestra's** board, Richard Smoot, was quoted in the *Philadelphia Inquirer* on September 3, demanding that the musicians reopen their contract a year early, and claiming that one or more major financial gifts would be in jeopardy unless the orchestra negotiated a new labor deal before the start of the current season. (The musicians' current contract runs through the 2003-04 season.) Less than two weeks later, however, multiple media outlets reported that the orchestra would be receiving a \$50 million endowment gift from the Annenberg Foundation, and that \$26 million in additional funds had been pledged by other donors. Musicians were understandably alarmed by the suggestion that the orchestra was looking for ways to circumvent an in-force contract, and were further upset by some of the proposals floated by Smoot in the earlier article, among them a reduction in the overall size of the orchestra and the wholesale elimination of unionized substitute players in favor of college students who would be paid an 'honorarium'. Members' committee chairman Anthony Orlando told *Senza* that he was particularly concerned about the inability of the board to balance the budget under the conditions of a contract they had approved, and confirmed that the musicians would not be agreeable to reopening the contract early.

In bargaining news, the **Pittsburgh Symphony Orchestra** ratified a new three-year deal on September 23. Under the terms of the agreement, the musicians will accept a 7.8% pay cut in the first year of the contract. In the final contract year, however, the PSO's base salary will rise to 95% of the average base salaries of the Philadelphia Orchestra, the Cleveland Orchestra, the Chicago Symphony, and the New York Philharmonic. Tangentially, during the final days of negotiations, the PSO hired Steel City native Lawrence Tamburri away from the **New Jersey Symphony Orchestra** to replace Gideon Toeplitz as president and CEO.

Further south, the **Florida Philharmonic** was dangerously close to changing its bankruptcy filing to Chapter 7 as *Senza* went to press, a move which would dissolve the orchestra for good, despite the continuing efforts of a dedicated core of volunteers and musicians to save it. The musicians agreed to suspend their right to collect salaries and benefits during the orchestra's ongoing Chapter 11 bankruptcy proceedings, in an effort to stave off the final demise of the ensemble. The FPO's ICSOM delegate, Jay Bertolet, tells *Senza* that even in the event that the orchestra finds a way to reconstitute itself, it seems inevitable that a significant number of its musicians will have moved on. By the time this issue is mailed, the final fate of the FPO will likely have been decided—a court hearing on the bankruptcy was scheduled for September 19. Jay also reports that the musicians are hoping to raise enough money to purchase the FPO's music library, and any contributions to that effort from either individuals or ICSOM orchestras would be most welcome. Donations may be sent to the Florida Philharmonic Musicians' Association, c/o Jay Bertolet; 2191 SW 117<sup>th</sup> Terrace; Davie, FL 33325-5228.

The **San Antonio Symphony** is engaged in a similar battle against insolvency, with the organization in Chapter 11 proceedings, and an independent committee chaired by San Antonio mayor Ed Garza recommending that the orchestra "take a year off" in order to stabilize its fiscal situation. Musicians, media observers, and many subscribers have reacted angrily to the temporary shutdown proposal, asking how a shutdown of any length could possibly be considered a positive step. The SAS management went to court in early September in an effort to have its contract with the musicians voided. The judge hearing the case rejected the request, and ordered management to return to the bargaining table, but the two sides remain far apart, with management proposing to convert the SAS to a pay-per-service orchestra, a plan the musicians have flatly rejected. In mid-September, the musicians requested a new round of mediated talks, to be facilitated by Michael Kaiser of the Kennedy Center and Bill Moriarty of Local 802. As negotiations to save the orchestra continue, SAS cellist Kenneth Freudigman has organized a new chamber ensemble, known as *Camerata San Antonio*, to provide work for SAS players. The group has planned nine concerts, and Freudigman told the *San Antonio Express-News* that four of the nine have already found underwriting support, and that a fundraising event for the *Camerata* in early September was successful "beyond our wildest dreams."

(continued on page 5— see BACKSTAGE)

## **Counsel's Report**

**Len Liebowitz**

For many years I have argued that Electronic Media Guarantees ("EMGs") are actually subsidies of the media work done by the orchestral institution. So long as the musicians of the orchestra understand that concept, I do not personally oppose the acceptance thereof. As part of the argument, I have also claimed that an EMG is actually another form of service conversion, a concept which is officially discouraged by ICSOM and the AFM.

Notwithstanding my assertions in both regards, it appears from the proliferation of EMGs, as well as the vehement rejection of my arguments, that I have failed to make my position as clear as it might be. Because the issue will not easily go away, I will, with (or without) your permission, give it one more try.

The concept of service conversion is discouraged because an orchestra musician's salary is supposed to cover up to eight (sometimes nine) "services" per week. A "service" is universally defined as a rehearsal (including a dress rehearsal) or a performance. Thus, any other activity requested or required of the musicians; e.g. recording, radio or TV broadcasts, etc., would, in the absence of service conversion, be paid extra—over and above the weekly salary. Service conversion allows an employer to use one or more of those allowable "services" as a recording session, a TV or radio broadcast, etc. without any additional payment. Thus, that weekly salary has therefore paid for the musicians availability for the eight rehearsals and/or concerts and all or part of a recording, TV show, etc.—thereby depriving each musician of what would otherwise be the additional money for the media event.

The very same result is achieved with an EMG—except instead of the conversion of a service, the conversion is of salary.

In this case, the amount of the EMG could, if the employer was willing, be paid to the musicians as salary. That is, the money for the EMG comes from the same source as the money for the musicians' salary. However, instead of paying the money to the musicians as salary, it is called "EMG"; and now, it becomes both an increase in the musicians' income and a down payment on any media work requested by the employer!

Obviously, if the money was paid as straight salary, it would only cover the eight (or nine) services in the week, and if the employer wished to do media work, it would have to pay the musicians extra money in addition to their salary. Thus, the EMG money is effectively a subsidy of the media work by the musician who has allowed the money which could have been straight salary to be used toward the payment of the media work.

But, some skeptics argue, "we wouldn't get that money as straight salary if we didn't agree to take it as an EMG."

And that might be true—but neither would the employer get subsidized media work. And if the employer wanted to do media work, it would be required to pay for it as extra income to the musician, over and above the salary.

So, says the skeptic, "either way we wind up with the same money, don't we?"

The answer, of course, is yes only if you assume that you can never convince the employer to pay you any of that money as salary—an assumption I'm not prepared to make.

Remember, most often the EMG is offered by the employer even though the players have not asked for it. When that happens, a cogent argument can be made that if they have that money, it should be paid to the musicians directly to bring salaries up to a level which appropriately compensates the musicians for the regular services they are currently performing. And until such time as that level is achieved, the employer should not do media work if it can't afford to pay extra for the extra product.

Thus, whether it's straight service conversion or salary conversion, the employer is getting a "double bang for its buck"—it gets to use the money it is paying, or should be paying for salary, as a payment for extra product as well.

In explaining all this to a negotiating committee, I have been told that they understand the concept, and agree with my analysis, but they are so anxious for the orchestra to record, or to be on the radio or TV, that they are willing to "subsidize" the work with an EMG.

In such an instance, I say that's your choice, and I won't argue with it—so long as you understand what you are doing. And, if you do understand it, then treat it as a concession you are making to management at the bargaining table, and seek something in exchange, rather than as a "gift" from them. And what you receive in return should be quite valuable as you are making a major concession.

Well, there it is. I don't know if I've changed your mind, or clarified any misconceptions, but I feel better now that I've given it my best shot.

### **Backstage Report**

*(continued from page 4)*

The news is not so grim everywhere. Despite the dismal national economy and the continued troubles of some orchestras with slumping donations and ticket sales, many ICSOM orchestras are thriving. The *Boston Globe* ran a lengthy article this summer detailing the continuing success of the **Boston Symphony Orchestra**, both as a non-profit business, and as the flagship organization in the city's thriving arts scene.

The **New York Philharmonic** announced a major move towards a merger of its operations with those of Carnegie Hall, and while there appear to be no small number of stumbling blocks in the way of the final partnership, the orchestra is confident that it will benefit greatly from a permanent move to one of the great concert halls of the world.

## Resolutions of the 2003 ICSOM Conference

### *The following resolutions were passed at the 2003 ICSOM conference.*

Whereas, The ICSOM Emeritus Program has been one of the most meaningful of all ICSOM programs; and

Whereas, Abe Torchinsky proposed the creation of the ICSOM Emeritus Program in 1983 and has served as its administrator since its inception; and

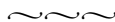
Whereas, Abe Torchinsky's sensitivity and devotion to retired orchestra musicians is a model for everyone to emulate; and

Whereas, Abe Torchinsky has now announced his decision to step down as ICSOM Emeritus administrator after twenty years of dedicated service; therefore, be it

**Resolved**, That the ICSOM officers and delegates at the 2003 ICSOM conference express their profound admiration and gratitude to Abe Torchinsky for establishing and serving the ICSOM Emeritus program and wish him well upon his retirement from the post as ICSOM Emeritus Program administrator; and, be it further

**Resolved**, That the ICSOM Emeritus Program be renamed the Abe Torchinsky ICSOM Emeritus Program.

*Submitted by the Governing Board*



Whereas, Whereas, ICSOM has expanded its activities, including participation on committees such as the Electronic Media Forum (EMF) and the Health Insurance Task Force, and has established greater communications among Governing Board members and between the Governing Board and the constituent orchestras; and

Whereas, Such activities and expanded communication entail significant increased costs; and

Whereas, In addition to these expanded activities, the normal costs of conducting business have risen greatly since the last dues increase in 1987; therefore, be it

**Resolved**, That Article VIII, Section 3, of the ICSOM Bylaws be amended and that ICSOM dues be increased, effective 2003, as follows:

Delete the following language:

**Section 3. Member orchestras shall pay annual dues according to the following schedule:**

(i) ~~Where the guaranteed minimum annual salary is under \$23,000, dues shall be the number of players times \$25, except in those orchestras which, as of November 1987, earned less than \$16,000 per player per year; those orchestras will pay an amount equal to the number of players times \$20, until such time as the minimum annual salary exceeds \$16,000.~~

~~(ii) Where the guaranteed minimum annual salary is at least \$23,000 but less than \$40,000, dues shall be the number of players times \$30.~~

~~(iii) Where the guaranteed minimum annual salary is \$40,000 or more, dues shall be the number of players times \$38.~~

and replace with the following language:

Section 3(a). For each member orchestra, the amount of dues assessed for the fiscal year starting July 1, 2003, shall be the sum of:

- 1) the number of players guaranteed a minimum annual wage below \$16,000.00 times \$24.00;
- 2) the number of players guaranteed a minimum annual wage of between \$16,000.00 and \$22,999.99 times \$29.00;
- 3) the number of players guaranteed a minimum annual wage of between \$23,000.00 and \$39,999.99 times \$34.00; and
- 4) the number of players guaranteed a minimum annual wage of \$40,000.00 or more times \$42.00.

Section 3(b). Beginning in the fiscal year starting July 1, 2004, and continuing through the fiscal year ending June 30, 2009, annual dues in each bracket (1-4 above) shall increase at the rate of \$1.00 per player per year.

Section 3(c). For purposes of dues assessment, player shall mean a person (including any librarian in the bargaining unit) actually filling a position and receiving a guaranteed annual minimum wage under the collective bargaining agreement.

*Submitted by the Governing Board*

Whereas, Mary Plaine has served ICSOM as a Governing Board member-at-large since 1994; and

Whereas, Mary Plaine has also been responsible for compiling the information for the ICSOM Directory for five years; and

Whereas, Mary Plaine has served ICSOM as a tireless advocate for orchestra musicians across the country with enthusiasm and passion; and

Whereas, Mary Plaine's insight and thoughtful commentary have been invaluable to ICSOM's Governing Board, therefore, be it

**Resolved**, That the officers and delegates at the 2003 ICSOM conference thank Mary Plaine for her generous contribution and tireless efforts on behalf of all musicians in the United States and Canada and offer her our admiration and best wishes in her future endeavors.

*Submitted by the Governing Board*



Whereas, The ICSOM Emergency Relief Fund has been an invaluable resource for constituent orchestras for many years; and

Whereas, In recent years the need for it has increased dramatically as a consequence of the number of orchestras experiencing financial difficulties; and

Whereas, Such needs require appropriate funding; therefore, be it

**Resolved**, That Section 4(c) of Article VIII be deleted:

~~Section 4.(c) Contributions from the general fund to the ERF, as noted in Section 4(a) above, shall be suspended for an indefinite period. That portion of ICSOM dues that is allocable to the ERF shall be paid into the general fund until such time as it is determined otherwise at the Annual Conference.~~

*Submitted by the Governing Board*



Whereas, Dues money is virtually the only source of revenue to ICSOM; and

Whereas, In order to pay its bills in a timely manner, and thereby properly conduct its business, the timely remittance of dues is a crucial issue for the organization; and

Whereas, Too many orchestras fail to remit their dues by the December 31 deadline set forth in Section 6 of Article 8 of the ICSOM Bylaws; and

Whereas, Measures must be taken to encourage timely remittance and to discourage tardiness; therefore, be it

**Resolved**, That Section 6 of Article VIII of the ICSOM Bylaws be amended by adding the following:

In the event that a member orchestra does not remit its dues by March 1 of a fiscal year, that orchestra's dues assessment shall be increased that year by an amount equal to an additional one dollar (\$1) per orchestra member.

An orchestra unable to pay dues by March 1 due to bankruptcy, work stoppage or other similar occurrence extending to that date will be forgiven such increase at the discretion of the Governing Board.

*Submitted by the Governing Board. Amended by Michael Moore (Atlanta), Ken Harper (Colorado), Richard Levine (Member-at-Large), Helen Reich (Milwaukee) and John Koen (Philadelphia)*



Whereas, Section 2(a) of the ICSOM Bylaws has remained in its current form for many years; and

Whereas, During those years the salaries of orchestra have generally increased substantially; and

Whereas, In order to maintain ICSOM membership requirements at a level commensurate with the intention of the founders, those requirements should be reviewed and updated as circumstances change; and

Whereas, It now appears that the annual salary requirement of \$15,000 is too low as a measure of carrying out the intention of the founders; therefore, be it

**Resolved**, That Section 2(a) of Article III ("Membership") of the ICSOM Bylaws be modified effective August, 2003, by substituting "\$25,000" for "\$15,000"; and, be it further

*(continued on page 7- see RESOLUTIONS)*



## Resolutions

(continued from page 6)

**Resolved**, That no current member of ICSOM shall have its membership status adversely affected by this modification.

Article III Section 2.(a) In order to be eligible for membership, a non-member orchestra must be composed of at least 60 full-time members, a majority of whom are members of the American Federation of Musicians of the United States and Canada ("AFM"), and each of whose guaranteed minimum annual wage from playing in that orchestra is at least ~~\$15,000~~ \$25,000.

Submitted by the Governing Board



Whereas, Media-L was created as an outgrowth of the recent wide-ranging discussions among orchestras interested in the activities of the Electronic Media Forum and media issues in general; and

Whereas, The purpose of Media-L is to create a cyberspace forum for the free and open exchange of ideas relative to various media arrangements, including potential proposals and strategies for future negotiations with orchestra managements; and

Whereas, Such free and open discussion calls for a degree of confidentiality; therefore, be it

**Resolved**, That access to Media-L be limited to members of the constituent orchestras of ICSOM, ROPA, and OCSM; to officers of RMA and TMA; and to SSD Staff and AFM International and Local Officers; and, be it further

Resolved, That, subject to appeal to the Governing Board, access to Media-L shall be denied to all management personnel, including all players holding management positions.

Submitted by the Governing Board



Whereas, Integral to the central purposes of ICSOM is the concept of inclusion and participation by as many individual members of constituent orchestras as possible; and

Whereas, Section 3 of Article VI already incorporates that concept; and

Whereas, The ICSOM Governing Board wishes to emphasize its importance of that concept; and

Whereas, Despite the fact that each member orchestra is allowed only one vote; nevertheless; therefore, be it

**Resolved**, That all member orchestras be urged to send an Alternate Delegate to the Annual ICSOM Conference; and, be it further

**Resolved**, That ICSOM encourage as many members of constituent orchestras as possible to attend the Annual ICSOM Conference so that more and more members may provide input to the Conference and take home from the Conference the valuable information imparted, as well as meet and share experiences with colleagues throughout the nation.

Submitted by the Governing Board



Whereas, It is important that the ICSOM Bylaws, as the governing document of the organization, be reviewed and updated periodically in order to keep the Bylaws relevant and vital as circumstances warrant; and

Whereas, As a result of such a recent review by the Governing Board and Counsel it appears that certain modification are appropriate; and

Whereas, A number of the proposed modifications may be classified as "housekeeping", they are herewith listed collectively, and may be modified in one resolution; therefore, be it

**Resolved**, That the ICSOM Bylaws be modified as follows:

a. Section 8 of Article IV shall be deleted from the Article and be added as Section 2(d) to Article VI, dealing with the duties and responsibilities of delegates.

[No ICSOM delegate shall (1) serve in the position of Personnel Manager or Contractor for an employer; or (2) work in any position where he or she receives any remuneration from contracting or booking musical units (other than a regularly organized one of which he or she is a leader or member).]

b. Section 7 of Article VI shall be amended to read as follows:

When a referendum of all member orchestras is called, each orchestra ~~shall have one vote~~ conduct the referendum in accordance with its own rules and procedures. Thereafter, the votes shall be tallied with each orchestra having one vote, and a simple majority of those orchestras whose votes have been received by the due date shall prevail. A majority shall prevail.

c. Section 2 of Article IV shall be amended to read as follows:

The officers ~~and Members at Large~~ of ICSOM shall constitute ~~its~~ the Governing Board; ~~which The Governing Board~~ shall meet during the Annual Conference and otherwise as necessary.

d. Section 1 of Article VI shall be amended to read as follows:

Section 1. A regular meeting ("the Annual Conference") of ICSOM shall be held once a year. The location and time for each regular meeting shall be chosen by the voting delegates attending the previous regular meeting during the course of that meeting.

e. Section 6(b) of Article V shall be amended to read:

Section 6.(b) Matters not covered by the Bylaws shall be in the discretion of the Governing Board during the period between duly convened meetings of delegates from member orchestras. The disposition of such matters shall be in keeping with Section 6.(a) above and with the purpose of ICSOM as defined in ~~Article H of these bylaws~~ the FOURTH (A) of the ICSOM Certificate of Incorporation.

f. Section 1 of Article XI shall be amended to read:

Section 1. No amendment shall be entertained which is not consistent with ~~Article H of these bylaws~~ the FOURTH (A) of the ICSOM Certificate of Incorporation.

Submitted by the Governing Board



Whereas, There is an overlap and a redundancy between Article V, Section 5(b), and Article IX, Section 2; and

Whereas, There now exists a separate *Senza Sordino* account; therefore, be it

Resolved, That Section 5(b) of Article V be amended to read:

Section 5.(b) ~~The Editor shall receive sufficient funds from the Treasurer of ICSOM to pay the costs of publication of Senza Sordino, which he/she shall deposit in a bank in a separate account. The Treasurer shall set up an account with sufficient funds to pay the cost of publication of Senza Sordino.~~

And, be it further

Resolved, That Section 2 of Article IX be deleted:

~~Section 2. Senza Sordino shall exist as a non-profit entity with a separate bank account.~~

Submitted by the Governing Board



Whereas, The process by which certain amendments to the ICSOM Bylaws are approved is overly cumbersome and in some instances vague; and

Whereas, The particular amendments subject to this procedure are very important, as they relate to Articles II ("Purpose"), Article VIII ("Dues and Finances"), and Article XI ("Amendments to Bylaws"); and

Whereas, The process needs to be clarified and streamlined; therefore, be it

**Resolved**, That Section 2 of Article XI be amended as follows:

Section 2. Amendments to Articles II, VIII, and XI of these bylaws may be submitted for approval at any regular or special meeting. Within ~~twenty (20)~~ thirty (30) days after the approval of any ~~such~~ amendment(s) by a majority of voting delegates at such meeting, such amendment(s) shall be referred to the member orchestras for ratification. Within ninety (90) days following the final day of the meeting, the member orchestras shall ~~cast their ballots by registered mail addressed to notify the ICSOM Secretary in writing of the approval or non-approval of such amendment(s).~~ Adoption shall be constituted by two-thirds majority affirmation of those member orchestras voting, but in no event shall

(continued on page 8- see RESOLUTIONS)

## Resolutions

(continued from page 7)

such a any proposed amendment(s) to the ICSOM bylaws be deemed adopted unless at least fifty percent (50%) of ICSOM member orchestras have actually cast their respective votes either for or against the adoption of such amendment(s).

Ballots will still be sent to the delegates, notice is what is changed – by fax, mail or e-mail. Results should be reported as ratified or not. Secretary will retain these reports.

Submitted by the Governing Board. Amended by Michael Moore (Atlanta) and John Koen (Philadelphia).



Whereas, Leonard Leibowitz has served for more than 30 years as Distinguished ICSOM Legal Counsel (“DILC”); and

Whereas, It is time that there be a written agreement setting forth the terms and conditions of his engagement; and

Whereas, Said written agreement need not be negotiated and approved every year at the Conference, as has been the practice; and

Whereas, After arduous and sometimes grueling negotiations between the Governing Board and the DILC a tentative three-year agreement has been reached; therefore, be it

**Resolved**, That Leonard Leibowitz (aka DILC) be retained for a term of three (3) years upon the following financial terms:

2003–2004	\$3150 per month
2004–2005	\$3350 per month
2005–2006	\$3500 per month

In all cases, reasonable expenses shall be reimbursed in accordance with past practice.

Submitted by the Governing Board



Whereas, Certain necessary administrative functions which had previously been performed by members of the Governing Board have become overly burdensome for any one individual Governing Board member; and

Whereas, It is the Governing Board’s recommendation that others who have the time and the expertise to perform these important functions should be appointed by the Board from time to time as circumstances warrant; and

Whereas, There are three (3) functions for which a staff position should be created and compensated by a token honorarium; therefore, be it

Resolved, That the staff positions of *Senza Sordino* Production Manager, Webmaster, and Archivist be created, with the individuals to fill those positions to be appointed by the Governing Board from time to time; and, be it further

Resolved, That the following honoraria be paid to each such individual:

- Senza Sordino* Production Manager: \$150 per issue, to be paid out of the Editor’s honorarium, which shall be increased to \$2000 per annum;
- Webmaster: \$750 per annum;
- Archivist: \$500 per annum.

Submitted by the Governing Board



Whereas, The success of any ICSOM Annual Conference is greatly dependent on the services of a Conference Coordinator; and

Whereas, The responsibilities and time involved in properly performing those services is considerable; and

Whereas, It is the least that ICSOM can do to recognize the contribution made by the Conference Coordinator by granting him or her a modest honorarium; therefore, be it

**Resolved**, That the Governing Board designate each year a person to serve as Conference Coordinator of the Annual Conference; and, be it further

**Resolved**, That the Conference Coordinator of the Annual Conference be granted an honorarium of \$1,000.

Submitted by the Governing Board

Whereas, The current ICSOM Bylaws contain provision for staggered terms of office for members of the Governing Board; and

Whereas, The system for staggering terms of office would be improved if it applied in a different configuration; therefore, be it

**Resolved**, That Section 3 of Article IV, be amended to read:

Section 3. All officers and Members at Large of the Governing Board shall be elected for two-year terms at regular meetings of ICSOM. Officers shall be elected in even-numbered years, Members at Large in odd-numbered years. In 2004 and in subsequent even-numbered years elections shall be held at the Annual Conference for two-year terms for Chair, Treasurer, and Editor of *Senza Sordino*, and (for one year only) one-year terms for President and Secretary. In 2005 and in subsequent odd-numbered years elections shall be held at the Annual Conference for two-year terms for President, Secretary, and two Members at Large, and (for one year only) one-year terms for two other Members at Large. In 2006, in addition to elections for Chair, Treasurer, and Editor of *Senza Sordino*, elections shall be held at the Annual Conference for two-year terms for two Members at Large. Election shall be by a majority of the votes cast for any office, with all voting delegates eligible to vote. Elections shall be conducted by secret ballot with the exception of any position for which only one candidate is nominated, in which case the candidate so nominated shall be declared elected by acclamation.

Submitted by the Governing Board



Whereas, George Zazofsky was one of the founders of ICSOM and its first chairman; and

Whereas, The delegates to the 2002 ICSOM Conference passed a resolution directing the Governing Board to develop an appropriate memorial honoring his years of devoted service to the lives of symphony, opera, and ballet orchestra musicians throughout the US and Canada; and

Whereas, The Boston Symphony Orchestra, of which George Zazofsky was a member for many years, has graciously consented to contribute to this effort; therefore, be it

**Resolved**, That a suitable plaque honoring George Zazofsky for his contributions to ICSOM and musicians throughout North America be prepared and donated to the Boston Symphony Orchestra for permanent viewing in a conspicuous place on a wall in Symphony Hall, Boston, Massachusetts.

Submitted by the Governing Board



Whereas, The AFM and ICSOM have consistently opposed Electronic Media Service Conversion; and

Whereas, Electronic Media Service Conversion is a complicated concept; and

Whereas, As a result there has been confusion about exactly what the term includes; and

Whereas, There is a need for a commonly accepted definition of Electronic Media Service Conversion; therefore, be it

**Resolved**, That the definition below be adopted by ICSOM and recommended to the AFM; and, be it further

**Resolved**, That the AFM and ICSOM continue to strongly discourage any Electronic Media Service Conversion.

**Electronic Media Service Conversion:** the exchange of time off from regular orchestra services in lieu of payment for electronic media services covered by an AFM media agreement. If such media services are compensated in compliance with the rates set forth in an applicable AFM agreement, either by payments to musicians or through credit against an electronic media guarantee, additional services off are not service conversion and not contrary to any stated policy or guideline.

Submitted by the ICSOM Electronic Media Committee



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## Resolutions

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Whereas, Symphony, opera, and ballet orchestras throughout the United States have been and continue to be under siege; and

Whereas, Hard-won gains in compensation, benefits and working conditions are being lost; and

Whereas, The struggle to stave off bankruptcy and to maintain a living wage is one that affects each and every member orchestra of ICSOM, ROPA, and OCSM; and

Whereas, The musicians of the Florida Philharmonic and the San Antonio Symphony are currently in the forefront of that struggle; and

Whereas, The musicians of the Florida Philharmonic and the San Antonio Symphony need and deserve support and admiration; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference recognize the pain and value of the sacrifices of the valiant musicians of the Florida Philharmonic and the San Antonio Symphony; express their sympathy, support, and love for their brothers and sisters in these orchestras; and wish them success in their desperate struggle for survival.

Submitted by the Governing Board



Whereas, Robert Levine has served ICSOM and the members of its constituent orchestras in many ways; and

Whereas, Robert Levine has served as ICSOM Chairman and Editor of Senza Sordino, and continues to serve as ICSOM Webmaster and ICSOM Archivist; and

Whereas, Robert Levine deserves the highest praise and gratitude from ICSOM musicians; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference express to Robert Levine their respect, thanks, and admiration for his years of service; and, be it further

**Resolved**, That Robert Levine be awarded the title of Chairman Emeritus, with the hope that he will remain active in ICSOM in whatever capacities he is willing to serve.

Submitted by the Governing Board



Whereas, David Angus has served ICSOM and the members of its constituent orchestras as ICSOM Governing Board Member-at-Large and, for twelve years, as ICSOM President; and

Whereas, David Angus continues to serve ICSOM as one of its elected AFM Strike Fund Trustees and as a valued advisor; and

Whereas, David Angus deserves the praise and gratitude from ICSOM musicians; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference express to David Angus their respect, thanks, and admiration for his years of service; and, be it further

**Resolved**, That David Angus be awarded the title of President Emeritus, with the hope that he will remain active in ICSOM in whatever capacities he is willing to serve.

Submitted by the Governing Board



Whereas, Lucinda-Lewis served ICSOM and the members of its constituent orchestras as All-Powerful ICSOM Secretary (APIS) for twelve years; and

Whereas, Lucinda-Lewis deserves recognition from ICSOM musicians for her many years of dedicated service; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference express to Lucinda-Lewis their respect, thanks, and admiration for her contributions to ICSOM; and, be it further

**Resolved**, That the title of All-Powerful ICSOM Secretary (APIS) be retired and never again be used by an ICSOM Secretary.

Submitted by the Governing Board



Whereas, Stephanie Tretick served ICSOM and the members of its constituent orchestras as ICSOM Governing Board Member-at-Large and, for eight years, as All-Powerful ICSOM Treasurer (APIT); and

Whereas, Stephanie Tretick's administration of ICSOM finances and the books and records of the organization were executed with integrity, accuracy, and care; and

Whereas, Stephanie Tretick deserves recognition from ICSOM musicians for her dedicated service; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference express to Stephanie Tretick their respect, thanks, and admiration for her contributions to ICSOM; and, be it further

**Resolved**, That the title of All-Powerful ICSOM Treasurer (APIT) be retired and never again be used by an ICSOM Treasurer.

Submitted by the Governing Board



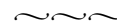
Whereas, Marsha Schweitzer served ICSOM and the members of its constituent orchestras for six years in the overwhelming job of Editor of *Senza Sordino*; and

Whereas, Marsha Schweitzer contributed mightily to the causes and purposes of ICSOM by the application of her remarkable skills as a journalist and editor and through her passionate zeal as a labor activist; and

Whereas, Marsha Schweitzer deserves recognition from ICSOM musicians for her dedicated service; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference express to Marsha Schweitzer their respect, gratitude, and admiration for her contributions to ICSOM, especially for the maintenance of the high caliber of *Senza Sordino* as an award-winning union newsletter.

Submitted by the Governing Board



Whereas, The Symphonic Services Division of the AFM ("SSD") provides services to symphony, opera, and ballet orchestras which are vital to the matrix of representation of these orchestras; and

Whereas, The ability of SSD to provide those services is severely hampered due to inadequate financial resources; and

Whereas, The lack of proper funding prevents SSD from hiring a sufficient complement of trained staff to provide those services; and

Whereas, A further consequence of the inadequacy of funding is that the current staff is overworked to the point of exhaustion; and

Whereas, At the 2003 AFM Convention the delegates voted to increase the dues of virtually the entire membership, including members of symphony, opera and ballet orchestra; and

Whereas, During the 2003 AFM Convention and subsequent thereto, AFM leadership acknowledged the problems caused by the inadequacy of funding of SSD and promised to rectify the situation; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference urge the International Executive Board of the AFM, in the strongest possible terms, to increase the funding of SSD to the extent necessary to permit SSD to hire and train additional staff as quickly as possible.

Submitted by the Governing Board



Whereas, In order to fully understand and appreciate the issues and principles of the labor movement, it is necessary to have at least a working knowledge of labor history and the role of a labor union in a democracy; and

Whereas, Such knowledge could be gained through a program being developed and sponsored by the Eastman School of Music which should include a course in labor history and the place of unions in a democracy; therefore, be it

**Resolved**, That the delegates to the 2003 ICSOM Conference recommend and urge that the Eastman School of Music include a course in labor history and the role of unions in a democracy; and, be it further

**Resolved**, That all members of ICSOM orchestras be encouraged to consider enrolling in that course.

Presented by Lynn Rosen (Utah) and David Angus (Rochester)

## Fixing What's Broken by Michael Kaiser

*At this year's ICSOM Conference in Colorado, Kennedy Center president Michael Kaiser was invited to address the delegates on the subject of the current state of the American orchestra. In addition to his time at the Kennedy Center, Mr. Kaiser has served as executive director of the UK's Royal Opera House and as executive director of both the American Ballet Company and the Alvin Ailey Dance Theatre. In recent years, he has emerged as a much-respected national voice in the field of arts management, and has been celebrated for his commitment to both fiscal responsibility and artistic excellence. What follows is the complete transcript of Mr. Kaiser's speech to the convention.*

Good afternoon and thank you for giving me the opportunity to speak with you today. It is truly an arts executive's dream to be able to speak so freely and in a neutral environment with so many union leaders.

The irony of this situation is that the part of my career I hate most is dealing with union/management issues from grievances to contract negotiations. The reason is quite simple. I have never felt myself to be on the opposite side of any of my union employees and particularly of my artists. If we are not working in the same direction, then what am I there for? My job as an arts administrator is purely a supportive one—I am there to create the resources and the environment for the artists to do their best work. I am failing if I ever work against their interests.

I am intensely interested in the financial health of the organizations I manage and I have never had a deficit in any year that I managed any arts organization in my 18-year career. But I have never felt that I am successful if I negotiate a contract that pays any member of my organization less rather than more. In fact, I consider it an obligation of my work to ensure that my staff and artists are paid well and fairly. This perspective has made union negotiations painful for me, and has gotten me in deep trouble with many attorneys who represent my side of the table.

It is obviously a difficult time to be on either side of the table when it comes to orchestras in America, and I can only imagine what it must feel like to be a union musician facing the threat of reduced salaries at best and absolute closure at worst in so many American orchestras today. I am absolutely convinced that most of the problems facing orchestras result from poor management. Too many arts managers today know all the vocabulary but have no real idea about creating revenue for their organizations. While the economy is challenging, many arts organizations are thriving. These organizations are well managed. Most of the others are not.

It is not easy to run an arts organization and arts managers require far more training than they receive. We spend hundreds of millions of dollars training artists all over the world but only a small fraction of that amount on training the executives who will employ them. This is one of the reasons I started the Vilar Institute of Arts Management at the Kennedy Center two years ago. I am trying to train smart, entrepreneurial, socially-conscious managers to run arts organizations throughout the world. We have already placed 24 highly skilled managers in arts organizations in San Francisco, Atlanta, San Antonio, London, Valencia, Beijing and many

other cities. But far more must be done. I am hoping that serious arts funders will begin to pay attention to this great need; otherwise, we will see a serious decline in arts institutions throughout the world.

It is incredibly frustrating to observe how board and staff leaders are reacting to current fiscal challenges. I believe that most boards and most staffs react in exactly the wrong way and make matters worse rather than better. Let me explain:

Much of my career has been spent trying to save very troubled arts organizations. When I arrived at the Alvin Ailey American Dance Theater, we had to unscrew every other light bulb to reduce our electricity costs. I lay awake at night in a panic worrying about how I would find the money to pay our dancers each week. When I came to American Ballet Theatre, we had no pointe shoes. We owed over \$5 million to vendors, choreographers, and theatres, most of which were sympathetic... and even to the IRS, which was not.

And the Royal Opera House was little more than a hole in the ground when I arrived; a major renovation had begun but we did not have the money to complete the building project. Fundraising was at a virtual standstill amid a very public scandal about the mismanagement of the institution.

Working with these troubled organizations has given me a good vantage point to observe what makes arts organizations sick and what makes them healthy. What I have observed during the recent economic slump is that many arts organizations are reacting to this current challenging environment in exactly those ways that lead to sickness. By knee-jerk reacting to short-term fiscal problems by drastically cutting artistic programming and marketing, one virtually assures additional reduction in revenue in the future. Donors and audience members are attracted to important programming, to organizations that are vital and flourishing, not to those which are cutting back on visibility programs and retreating behind stale, if cheaper, programming.

Just this week, a task force organized by the Mayor of San Antonio announced that the best way to save its symphony, currently in Chapter 11, was to close it. Huh? The task force report suggested it was impossible to fix a troubled arts organization while it was functioning. I am only glad that this group of 'experts' was not called in by the Ailey Company, or ABT, or the Royal Opera House, before my tenures there. The report concludes that all the money earmarked by the city for the symphony should go to hiring another group of similar experts. This cannot be the way to build more revenue for the San Antonio Symphony.

Only the promise of greater artistic achievement matched by a comprehensive visibility campaign will allow troubled organizations to overcome fiscal challenges. When budgets must be cut, I believe strongly in cutting administrative costs wherever possible to allow for great art and good marketing to continue. And when artistic initiative must be cut in the short term, it is imperative to develop and announce plans for future important projects.

*(continued on page 11- see KAISER)*

**Kaiser***(continued from page 10)*

At the Kennedy Center, we are planning our most ambitious season yet. Our 3,000 performances next season include a large-scale Tennessee Williams Festival, a week with the great American soprano Renee Fleming, and a Tchaikovsky Festival that begins with the National Symphony Orchestra conducted by Leonard Slatkin with soloists Yefim Bronfman, Gil Shaham and Yo-Yo Ma on one single concert. The Tchaikovsky Festival also includes the Kirov Opera with Valery Gergiev, the Kirov Ballet, the Suzanne Farrell Ballet and the Vermeer String Quartet. Our season also includes the Royal Danish Ballet, the New York City Ballet, Cecilia Bartoli, the Opera Comique, the Royal Shakespeare Company and on and on. While finding the resources to pay for all of this work is a challenge, our fund-raising has hit new heights even during the economic downturn of the past two years. The more adventuresome programming tied to an aggressive marketing effort has paid off.

And while many of you must be thinking that it takes money to mount large-scale artistic and marketing programs, I can promise you that the visibility campaigns and more exciting programming we developed at the Ailey Company or American Ballet Theatre when we were nearly bankrupt were done on the cheap. We didn't have enough money for Xerox® paper but we did find the creativity and time to build important artistic programs and to publicize these programs to the hilt.

In one year at the Ailey Company, for example, we did a Phil Donahue Show reaching 18 million viewers, the first Clinton Inaugural Gala reaching 80 million viewers, an exhibition at the Smithsonian, and a free concert in Central Park. We also wrote two books about the company, had our street name changed to Alvin Ailey Place, and held a 35<sup>th</sup> anniversary gala with Jessye Norman, Anna Devereaux Smith, Maya Angelou, Denzel Washington, Al Jarreau and Dionne Warwick. Everywhere you looked in 1993 you saw the Ailey Company. Not surprisingly, our contributed income doubled that year and we spent virtually nothing to accomplish these programs. Not enough symphony managers are thinking this way even when times are good; and the number falls when money gets tight.

But the problems we must address in the arts go far beyond the current economic recession and the way we react to it. Even the best managers and board leaders face a difficult environment in which to lead. The central factor we must all acknowledge in the performing arts is the lack of productivity improvement available to us. Our halls have the same number of seats as when they were constructed and we still use the same number of musicians as when works were written centuries ago. Costs go up but productivity does not. That is why managing an arts organization gets harder every year, decade by decade.

When I took the Alvin Ailey Company to perform at the Herod Atticus, a Roman amphitheater built on the base of the Acropolis in Athens, the dancers were thrilled to perform with the Acropolis in sight. I only looked at the stone bleachers where the audience sat and noted that the number of seats had not increased in 2,000 years! The pressure on all of us to fill an ever larger income gap only gets greater with time.

While the productivity problem is the largest single challenge to all of us in the performing arts, there are other elements of the environment that make our jobs difficult as well. First, we are all facing a gradual but deliberate reduction in the amount of press coverage for arts organizations. Newspapers have changed arts sections into style sections giving less media coverage to the arts and devoting more and more space to popular, for-profit entertainment.

This problem has been exacerbated by the problems of the recording industry. The collapse of the recording industry, the lack of resources available to public broadcasting to record performances and the prohibitive costs of producing recordings and videos means that it is easier to obtain a recording of Georg Solti than of most great conductors today. We need the support of PBS, of NPR, of the unions, and of all artists to ensure that an entire generation of performances is not lost. And we need to ensure that the most potent vehicle for distributing performances, the Internet, is a central element in this discussion. This is critical if we are to create the history of performance and creativity that inspires future generations and to allow performances enjoyed by a few to be available to many.

And if we accept the fact that strong marketing is one key to creating a healthy arts organization, then the loss of the recording industry, our major for-profit marketing partner, has to be a critical issue for us. Without the marketing help provided by the recording industry and with the reduction in media coverage of the arts, it is increasingly difficult to attract audiences.

We are heading towards a world where primarily white upper middle class people come to performances, because primarily white upper middle class children are being exposed to the arts. Public school arts education is virtually dead, not just in the United States but in most countries. Most arts organizations have jumped into the breach created by the absence of public school arts education. The Kennedy Center has the largest arts education program in America; we spend \$15 million each year to train teachers to bring the arts into classrooms in all 50 states, to provide arts programming via satellite to hundreds of thousands of children and to tour family theater productions. But our efforts are not coordinated with those of other organizations and the arts exposure enjoyed by virtually every child in this nation is episodic. For some children in some schools, the exposure is tremendous in one year and absent the next. For children whose lives have a central theme of "loss," this can be more painful than no arts programming at all. This is clearly not the way to proceed.

We must work together to create a plan that would coordinate arts programming in our school systems. We owe every child in this nation a chance to experience the joy of self-expression, the power of discipline and the self-fulfillment of achievement that come from the performing arts. And we must work together to ensure that the next generation of audience members is large and diverse.

This is a particular problem for orchestras since it is evident that there is currently an oversupply of performances in many cities. This is no doubt

*(continued on page 16 - see KAISER)*

## **The Canada Report**

**Rob McCosh, OCSM**

*What follows is an edited transcript of the speech given at this summer's ICSOM convention by Rob McCosh, the immediate past president of the ICSOM's Canadian counterpart, the Organization of Canadian Symphony Musicians (OCSM).*

Greetings from OCSM. A disturbing similarity faced troubled orchestras in Canada and the U.S. over the past year, but the reasons become quite different under closer examination. Some of what has happened in the States can be blamed on the performance of endowment funds tied to a falling stock market. This is not the case in Canada, primarily because none of our orchestras have sizable endowments. But that is another issue. Our problems can be tied to a variety of things: incompetent management and boards, which is not news to you; a changing funding landscape, where funders at all levels are becoming very hands-on, bottom-line and aggressive; and plain bad luck.

In Vancouver, the orchestra's problems can partly be laid at the feet of Lady Luck. Starting two years ago, a lengthy sanitation workers strike made downtown, where the VSO plays, inhospitable to anyone attending concerts. That, combined with a significant closure of the Lions Gate Bridge, meant that many audience members were inconvenienced by a circuitous route to the hall. The VSO has now taken what amounts to their third concession, which has reduced their salary by almost 20%—the number in vogue right now. This has meant an exodus of musicians, as Vancouver is the most expensive city in Canada to live in.

Edmonton went through a five-week strike which ultimately ended in looking at a new governance model for which the jury is still out. But they, like Calgary, are faced with a right-wing approach to funding the arts, which is not based on quality but on revenue and meeting the bottom line.

Calgary and Winnipeg have both had serious problems with a dysfunctional office and board. The result for Calgary was a four-month period of receivership, a Canadian version of Chapter 11 but also an intense four months of strategic planning. Whether that period spent planning will pay off remains to be seen. Senior level management positions have been filled, but change on the board continues at a glacial pace. In Winnipeg, the response was for the provincial government to dissolve the board, and to become an interim board until such time as the orchestra is on better financial footing. It has, however, become almost a situation of "better the devil you know than the one you don't." The result for Winnipeg: a 20% cut for the remainder of last season.

I think there is something to be learned here, and I learned it while doing research for this conference: peace comes at a price. And I unabashedly admit that I learned it from an American named Frank Knox, who spoke at a time in American history when much debate was going on about whether the U.S. should enter the Second World War. Frank Knox was the Secretary of the Navy in FDR's cabinet. As I read his speech, it struck me that you could take out the word "liberty" and insert "contract" or "collective agreement"; you could take out the word "country" and insert the word "orchestra," and his message, in my view, became topical and current, even though this was a speech he gave to the American Legion in Milwaukee in 1941.

There is an interesting correlation between the definitions of "liberty" and "contract." The Oxford dictionary defines liberty as being "privileges, immunities or rights enjoyed by prescription or by grant." A contract or collective agreement really sets out those "privileges, immunities or rights" in a binding written document between two or more parties "that something shall be done or forborne by one or both." Please indulge me while I unashamedly adapt Knox's words to our profession.

"We now know how futile it is to place our trust in written promises to forsake strikes as an instrument of orchestral or union policy. It is imperatively necessary to have not only the will to peace but the power to enforce it! We hear a great deal these days concerning the attitude of musicians toward strikes. There has never been any secret nor division in this matter. Musicians are not war-like. They are peace-minded. They have no national objectives, or policies, which must be promoted by strikes."

[Knox] then goes on to ask the listeners three questions as to their sentiment and desires concerning their own defense, and the defense of their rights. "Do you want to lose your contracts? Do you want security for your family and for your property? Are the vital interests of your orchestra in peril?" Of course, we would all say yes. But, as Knox points out, "you cannot preserve contracts such as we enjoy, save by willingness to fight for them if need be. A worthy, righteous contract is the fruit of effort. You don't get contracts, you don't retain contracts by just being peaceable. You get it, if it is worth having, by a constant willingness to work and sacrifice and risk for it." The orchestras that have it now have it because the musicians of other generations have been willing, when necessary, to fight for the conditions that make peace possible.

"If you think by just keeping peaceable and never going to war that you can get a just peace in this world, you are wrong. That is the only way in which to surely lose peace. The orchestra that regards the avoidance of war as the highest good, regardless of the price exacted for peace in its honor, its rights, its vital interests, is an orchestra both wretched and contemptible and cannot long endure.

"This does not mean that we must not exhaust every honorable means to foster and promote peace, but we must be sure that we seek and enjoy a righteous peace, for those who put peace before righteousness and justice and contracts do infinite harm, and always fail of their purpose ultimately. We must also remember it is only the strong who can promote and preserve a righteous peace. Idle and futile is the voice of the weak orchestra, or the craven orchestra, when it clamors for peace."

My personal reality this past year reflects his words. The Calgary musicians, in my view, made just such a mistake—peace at any cost. So we now have a 20% cut that will come back to the musicians in a revenue-sharing formula if a certain profit threshold is reached. We still have a majority of the same board members, even though only the chair raised the necessary funds to get the orchestra out of receivership. There is no succession planning in place: in fact, the chair, who sold the 20% idea to the Alberta Foundation for the Arts, has been asked to stay on another year.

*(continued on page 15— see CANADA)*

## **ICSOM's Dues Increase: What, When, and Why?** *by Michael Moore*

*(Editor's Note: at this year's ICSOM Conference in Vail, delegates voted to approve a modest increase in the conference dues paid annually by every member orchestra. This increase must be ratified by the membership of a majority of ICSOM orchestras, and the delegates will be organizing ratification votes this fall. What follows is a detailed explanation of the reason for the increase, and how the extra income will be spent.)*

Why, you may ask, does ICSOM need to raise dues at this time? Don't we know that the economy's bad, orchestras are being asked for concessions, AFM dues just went up? Good questions. Your delegates and Governing Board would never have approved any increase if it were not absolutely necessary for both the present and the future of ICSOM. The formulas below took months to finalize, and represent a phasing in of a dues structure appropriate to our orchestras' needs.

ICSOM has experienced great savings and efficiencies this year; but we also spent over \$4,400 more than we brought in. Some of this is due to forgiving one troubled orchestra's dues; some due to low interest and other investment returns; but is mostly because of increased services, highlighted by a large President's Council media meeting, a troubled/negotiating orchestras meeting, media committee meetings, trips to troubled orchestras, a large ICSOM presence at the AFM convention, nearly bi-weekly conference calls and the ICSOM directory. While the AFM and, in some cases, locals did help with many expenses of the aforementioned meetings, ICSOM still incurred considerable related expenses, and the general cost of doing business continues to rise.

Accordingly, your delegates to the 2003 ICSOM conference voted on your behalf to raise ICSOM dues for the first time in 16 years.

In 2003, it takes \$1.61 to buy what \$1 bought in 1987, the last time dues were raised. If our current dues, based on a formula ranging from \$21 to \$39 per player, were to be raised based on a cost-of-living increase over 16 years, the formula would be adjusted to range from \$33 to \$62 per player. Fortunately, ICSOM has been run more efficiently than the general economy, so our dues need not be raised to that level.

To maintain our current level of services, and to have sufficient funds to provide for expanded travel and communications, an increase in counsel's fee, and numerous initiatives (such as health insurance amalgamation), an initial increase of \$2 across the board was found to be necessary. This increase should generate \$8,328 in new revenue for our general funds.

In addition, your delegates approved a \$1 across-the-board increase each year for the following five years, rather than one large catch-up increase. Such an increase will ensure that ICSOM can continue to rise proactively to the occasion whenever and wherever the need be. By the final year the increased dues amounts per person will be \$29-\$47.

The ERF, while doing well, is not large enough to help orchestras in need as much as it could. Your delegates also voted to reinstate the suspended \$2 per capita contribution to the ERF. This will add \$8,328 per year to the

Fund and, by the time the progressive increase ends (June 2009), the ERF will have grown by over \$50,000 including additional interest. It is essential that the changes to Article VIII, Section 3 (the general dues increase) be ratified for this ERF expansion to have a positive effect on ICSOM's finances.

Adding this \$2 ERF per capita to the general fund \$2 increase will mean an net increase of \$4, \$5, \$6, \$7, \$8 and \$9 across the board for 2003-04 and the following five years. Total dues are proposed to escalate by the 2008-09 season to from \$30 to \$48 per player. Barring any catastrophic events, additional increases shouldn't be necessary for a long time.

The following chart shows how each member of our orchestras will be affected by these proposals:

Salary level	02-03	03-04	04-05	05-06	06-07	07-08	08-09
Less than \$16,000	\$21	\$25	\$26	\$27	\$28	\$29	\$30
\$16,000-\$23,000	\$26	\$30	\$31	\$32	\$33	\$34	\$35
\$23,000-\$39,999	\$31	\$35	\$36	\$37	\$38	\$39	\$40
\$40,000 and above	\$39	\$43	\$44	\$45	\$46	\$47	\$48

*Figures include current Minority Scholarship (Mendelson) Fund and proposed ERF per capita increase*

### **Timely payment is essential**

Finally, in the interest of both fairness and cash flow, your delegates decided that to help enforce timely dues collection, a small penalty would be payable in addition to any dues submitted after March 1. It is our hope that we will never need to collect such a penalty. March 1 is two months past the grace period that ends December 31 of each year. It is hoped that more orchestras will pay dues during the September-November period, as money is extremely tight by then, often exhausting our reserves. Although the Governing Board may borrow from the ERF, we avoid doing so, for obvious reasons. If you have any questions, please talk to your ICSOM delegate or email me at [treasurer@atlantabrass.com](mailto:treasurer@atlantabrass.com).

### **Secretary's Report**

*(continued from page 3)*

where to begin. He is the heart of ICSOM, I think. So much of what he does behind the scenes keeps us all on the right path, and his counsel has been quite invaluable this last year. He is so much more than a conference coordinator; he is an advisor and a valuable treasure. Tom downplays his role in ICSOM, and his contributions to the board, but for many of us, he was not only a wonderful editor, contributor and proof reader for more than just *Senza Sordino*, but served as the voice of reason, and a valued contributor to our conversations. I know we all will continue to seek Tom's guidance in the future, and ICSOM will be the better for it.

## President's Report

*(continued from page 2)*

There are two statements that came out of the work we did at the convention that you should be aware of. As you know the staffing and resources made available for the Symphonic Services Division has declined over the past few years. I would like to share a report sent to the Governing Board just after the convention.

### REPORT FROM THE FINANCE COMMITTEE

To the Officers of the American Federation of Musicians and the AFM Symphonic Services Division  
June 25, 2003

On June 25, 2003, the following persons appeared before the Finance Committee:

Brian Rood (ICSOM)  
Robert Levine (Local 8, past ICSOM Chair)  
Laura Ross (ICSOM)  
Rachelle Skolnick (ROPA)  
Rob McCosh (OCSM)  
Paul Castillo (ROPA).

Their united position was that the SSD is woefully understaffed and has been for some time the victim of an ever-shrinking budget. As a result, orchestra musicians have seen an eroding level of service from the SSD. These petitioners asked that a portion of the increased funding received by the Federation in the 2003 financial package be used to bolster the SSD budget.

I replied to them that the Finance Committee has heard the concerns of the symphonic representatives and is very sensitive to them. Although the Finance Committee has no direct control over staffing decisions in the Federation, I assured the advocates of the symphonic musicians that the Finance Committee would convey these valid concerns with the strongest possible urgency to the SSD and Federation officers.

Please accept this letter as that conveyance.

In solidarity,  
Harry Chanson  
Finance Committee Chair

As the final financial package was shared with the convention delegates Finance Committee Chair Harry Chanson stated on the convention floor our plea for more SSD staffing and said "this is a package that will do it." It is my sincere wish that the IEB and the Federation heard this as well.

As you can imagine there was plenty of brainstorming at the convention including on the Joint Law and Finance Committee. One session involved an early morning meeting with Law Committee Chair Bill Moriarity. In response to the increases in per capita dues as well as work dues a "Futures Committee" was to have been appointed at the 2003 convention. This committee will "review the relationships between the Federation, the

locals and their members with a view toward achieving the most effective representation."

The Futures Committee is to be comprised of the AFM President and Secretary-Treasurer as ex-officio members, three IEB members, nine local officers, and a representative from each of the player conferences.

Although usage of the Conductor Evaluation Program (CEP) has waned recently, delegates this summer overwhelmingly expressed support for this valuable program. Approved changes to the program include a web-based option for the first time. Now, delegates may have their orchestras' compiled data tabulations sent to them via email. This will significantly shorten turnaround time from the collection of completed forms to the receipt of tabulated results. Program administrator Michael Moore and I will continue to pursue other web-based improvements. The other major change involves relaxation of one important restriction. Delegates may now share the overall tabulated results with the orchestra provided that these results are communicated verbally at orchestra meetings and not in a written manner. The most effective use of this program is the regular sharing of your orchestra's evaluations with your management. The program is an easy yet powerful way to provide managers with the kind of artistic input that musicians have sought for decades. With the availability to readily accessed data from other orchestras as well, managements will know that musicians expect to have a voice in the selection of music directors or guest conductors. Some ICSOM orchestras have felt so strongly about this that they have incorporated elements of the CEP into their own CBAs. In Vail this summer, Chairman Gippo admonished delegates to take fuller advantage of the program so that our artistic preferences regarding engagement of conductors would be heard. If your orchestra would like to better utilize the CEP, contact your delegate, Michael Moore or myself.

Many of our orchestras are currently facing economic crises not seen in years. Building on the media and troubled orchestra summits from last year the Governing Board is looking into smaller group meetings with like-sized orchestras either entering into negotiations or being "asked" back to the table by their managements. Such smaller group meetings would involve five to nine orchestras with the purpose of exchanging information and developing strategies. The better informed and prepared we all are the better our chances will be to ride out the current storm of wage and job cuts that threaten our livelihoods and our orchestras.

Health insurance premiums continue to spiral out of control and wreak havoc on our orchestras' finances at a time that could not be worse for musicians. The Governing Board has begun to explore, in depth, a nationwide healthcare plan for those ICSOM and ROPA orchestras that wish to participate. The goal is simple—save our musicians and their orchestras' money by pooling our collective buying power and resources. We are at only the first stages in this exploration but early discussions are encouraging and show much promise. We will keep you posted.

*(continued on page 15— see PRESIDENT'S REPORT)*



## President's Report

*(continued from page 14)*

The following is my Address to the annual meeting of the American Symphony Orchestra League on June 20, 2003:

It has been both an honor and a privilege to be here this week. I wish to thank the League and all of you for your warm hospitality and for the opportunity to speak with you this afternoon. I bring greetings from ICSOM Chairman Jan Gippo and the rest of the Governing Board. Jan has asked me to convey the following remarks to you:

“After so many years of an adversarial nature we find ourselves in a new era. A new millennium is upon us. We have a new economy, albeit unwelcome at this time. We have new global and national politics to deal with. It is extremely important that ASOL, its orchestras, ICSOM and ROPA improve communications and strive to work together to save our industry. We ask that ASOL, as a body, become more involved with persuading change in attitudes, particularly with respect to communications with our orchestras and in negotiating styles and tactics. We are looking for a new era of creative solutions that regard everyone with respect and where we all strive for the same goal: a vital, viable artistic voice for our orchestras.”

I understand Peter Schickele will be here this afternoon. I wish that I could join you, but my travel here has been shortened on both the arrival and departure points due to sudden family obligations. But seeing that smile on Peter's face in the program book has reminded me of a funny story from early in my career.

A PDQ Bach concert was about to begin with just eight players on stage. We were seated in the first desk string chairs and were unaccustomed to being there as we were all brass players used to having some distance from the podium! The anticipation in the audience grew as the clock wound to 8:00, then 8:05, and finally 8:10. As the crowd became increasingly restless Peter suddenly appeared in the balcony at the back of the hall. His hair was thrown back like ZZ Top and he was not yet fully dressed. Shirttails were hanging out and he was clutching his tailcoat in one hand. Peter ran down the aisle to the edge of the balcony and yelled, “I'm here, I'm here!” Then, in his trademark move, he flung himself down from the balcony to the main floor with a rope he had thrown over the edge. Peter continued his antics as he jumped up onto the stage. But he surprised us all by landing on the podium with a baton in his right hand ready for the downbeat, which he then gave. One very alert musician, not yours truly, rushed to get his horn up ready to play. In doing so, he slammed the mouthpiece up onto his lips. Without missing a beat, Peter yelled “Gotcha!” The audience roared, and we stared in disbelief!

I share this story with you today for a reason. We have musicians in troubled orchestras who feel now the same way that horn player did that night. The rug has been pulled out from underneath them. Already charged with the responsibility of performing difficult music with the precision and skill of a surgeon, these musicians find themselves needing to be part executive director, board member, staff person, volunteer and whatever else they can do to bring their orchestras back to life in their communities.

They ask if ASOL can do more. Yes, they do ask if the AFM and ICSOM can do more as well. This is a subject near and dear to the Governing Board and we will continue to address it on many fronts. But they ask if the League can provide more public relations and political advice as well as other consulting type services. Certainly, the need is great! For example, one of our most troubled orchestra was the largest arts organization in their state, and yet had virtually no political allies in local, county, or state government. Therefore, there was no one to turn to when difficult times became impossible times.

For the relationship between ICSOM and the League to flourish, chances will need to be taken, continued trust will need to be earned, and respect will need to be given. The key here is for us to further the dialogue already established, be open to learn from one another, and guide those we are charged to represent. One way to begin this is within our own individual orchestras. We can invite others to think, plan, brainstorm, and together chart the course for our orchestras. Another way is to have sessions here at the League's conferences be devoted to an important constituency in the orchestra—the musicians.

Undoubtedly, there will be bumps along the road. How we deal with those bumps will tell us just how far we've come and how far we have yet to go.

I believe we have more in common than not. Let us roll up our sleeves together and tackle the problems facing our orchestras. There is too much at stake to not work together.

## Canada

*(continued from page 12)*

The board will no longer be responsible for fund-raising. It begs the question, “What are they there for?” The provincial funding body, the AFA, insisted, as a condition of releasing funds, that we reduce our main series from ten concerts to eight, even though the board members have no performing arts background.

In the musicians' defense, they were faced with a right-wing paper that is vehemently anti-union, and whose owner was a former board member of the CPO. The ultimate insult to the musicians the season before was when he was given the CPO's Gold Baton after a season [which included] a four-week lockout!

There was and still is a sense that ours is a war that cannot be won. I would dispute that sentiment first and foremost because it has been neither tested nor proven in our situation. The result [in Calgary,] however, is something that we have all seen time and again—nine openings in a 65-piece orchestra, including principal horn, principal cello and assistant concertmaster.

Until such time as the arts become a fight taken up by the public—not just for the artist's sake, but for society's sake—we will not be on the politicians' radar screen. Until we insist on a righteous peace, we will not have peace.

**Kaiser**

(continued from page 11)

a controversial point to make at a meeting of union executives but it seems clear to me that over the past two decades orchestras and their unions have agreed to expand the weeks of performances to a point where audiences are too small to fill every performance in many cities.

We need to evaluate how many performances are sustainable in any given city, pursue approaches to filling in remaining weeks and develop the programming and marketing that assure houses that provide enough revenue to support our orchestras. This will undoubtedly cause a tension between unions and management that must be resolved before other symphonies seek Chapter 11 protection.

Despite all of these problems, I remain optimistic about the future of our orchestras. But we have work to do. Together. I believe we need to:

1. Educate orchestra members, especially committee members, in every symphony about arts management issues. The musicians need to understand balance sheets and income statements and be able to pressure management and boards when they see a developing problem. By the time the orchestra is in Chapter 11, it is often too late to act.
2. Encourage orchestra committees to support the development of important artistic projects that create visibility for their organizations. It is these important projects that bring future revenue streams. We need to relax rules that discourage special projects by making them too expensive to consider.
3. We need to work together to figure out how we are going to record and distribute performances of importance. Symphony managements don't need revenue from recordings—they need visibility from recordings. There must be a formula that ensures that both sides get something from recording. And we must address the Internet immediately. We finally have a cheap tool to reach millions of new audience members and donors. There has to be a way to use this tool to benefit everyone.
4. Address the oversupply issue in a mature fashion. We need to find ways to make touring cheaper, to allow for performances in unusual venues and to support free performances and educational performances so that work weeks are secure.

And most important, we need to insist that arts managers and boards are trained so that they become strong stewards of our industry. Without strong management, no musician will have a secure future. With strong management, every issue we face can be handled and both musicians' health and happiness and institutional strength can flourish.

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

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