

# Senza Sordino

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## Eight Weeks to Victory Standing Firm in Charlotte

by Bob Rydel, Charlotte Symphony ICSOM Delegate

During the first few hours of the July 2003 ICSOM/AFM brainstorming session in Chicago, it became clear to the three Charlotte Symphony Players' Association negotiating team members that we had heard this story before. The year was 1996, and it was time to negotiate a new CBA. However, we were called to the table earlier than usual, and it was not a good sign. We were told that the accumulated deficit was a sign of "too much product," given diatribes on sustainability, and ultimately shown the bankruptcy papers. We were promised that, if we would be a part of the solution and help the management get its house in order, it would put the company on the road to recovery and a better future. The cost of membership in this plan was a 3-year weekly wage freeze, a reduction of the season from 40 to 36 weeks, and the loss of a \$50,000 equally shared orchestra-wide "bonus" payment provision in the expiring CBA, among other things. Although not termed "structural deficit" then, the discussion this past July of that term's definition recalled with some chill the events we endured in the mid '90s. If the term "structural deficit" had existed in the management lexicon at that time, it surely would have been heard. We watched with envy for the next few years as many orchestras rode the wave of the booming economy and added to their salaries, while we were frozen. In 1999, we negotiated a four-year contract with the help of Lenny Leibowitz, and were able to make some gains that put us on the track to recovering from not only the weekly salary freeze, but also the loss of four weeks from the season. When all was said and done, the average raise over the seven-year period was roughly equal to the increase in the cost of living.

As we were preparing for negotiations this spring, with players' surveys and interviews, the management was informing us of a deficit that was mounting from that season (2003-04). The headline reasons given for the shortfall were: the economy, 9/11, health insurance costs, and unfulfilled corporate contributions. The players had identified cost concerns of our own. For example, large concert projects like the Britten *War Requiem*, Mahler's 3rd, and a concert version of *Der Freischutz*—projects that other

larger orchestras were choosing to postpone—were kept on the schedule despite the risk of significant fiscal exposure. These projects also included 7 or more rehearsals for each, requiring a substantial spending commitment for filling out the orchestra with the extra musicians needed. We also had concerns about several weeks in the season originally dedicated to projects that had since been cancelled, among them a spring gala, and some additional summer concerts. We never completely filled out those weeks, and although we did some concerts, the schedule was light. It seemed that there was probably lost revenue for those weeks.

The negotiating sessions prior to the strike were long and unproductive, as well might be imagined. Management was demanding formidable cuts to the musicians' present salaries, as well as deep cuts to our health insurance coverage, sick leave days and medical disability payments. Specifically, the management demanded a 7.5% salary cut for this season, a 4% cut for next, and an eventual 5.7% "raise" from the base salary of the 2002-03 season levels, which would not take effect until the '05-'06 season. There would be no increase whatsoever in seniority or pension for the duration of the CBA.

As was mentioned earlier in this article, we had fallen behind in salary levels over the past decade, and, with cuts and freezes in effect for many years, our annual base salary grew by only \$147 total, from \$22,101 to \$22,248 during the 1990s. Adjusted for inflation, even during the low-inflation '90s, the musicians' annual salary before the pay cut demanded for this season was only \$1,136 higher than it was in 1987, an average annual increase of just 0.2% over the last 15 years. All these demands were being made at the same time that the management was going ahead with their plans to increase the core orchestra size by adding two violin positions starting in the 2003-04 season. The parallels to our 1996 fiasco were all too real.

Our management also wanted cuts of over 50% in our sick leave, relief, and personal days, in addition to a 33% cut demanded in short-term disability. The injury rate in the orchestra has increased dramatically over the past few years, due to heavy scheduling and the increase in utilized services, including injuries requiring players to take short-term disability. Since the number of actual relief services has remained the same over the last four years, but the number of work weeks has increased, we have a realized decrease in relief as an overall percentage. This has been a clear contributing factor to the jump in our injury rates, and the players could not accept proposals that would put us at further risk of injury and loss of disability pay.

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## Chairperson's Report

Jan Gippo



My last few months have been devoted to getting organized with some of the committees that are going to start meeting face to face as a whole body. The Futures Committee of the AFM has set a date for its first meeting: January 23, 2004. This committee was created by Emergency Resolution #8 at the AFM Convention in June. It will look at the internal workings of the AFM, find better solutions to communication issues, and address new initiatives to strengthen our union for the next 100 years.

The Media Committee is going to meet face to face, and discuss the upcoming negotiations for digital distribution and the Sound Recording Labor Agreement. We have been meeting by phone each month, and now will bring to the Federation ideas and positions for further discussion.

We are also working on our upcoming mid-winter meeting of the Governing Board. During the meeting, we will make some final plans for the August conference and entertain ideas for topics. Now is the time for you, the delegates and musicians of ICSOM, to share your ideas with your Member-at-Large or orchestra delegate. If you want to be a force within ICSOM, now is the time for the Governing Board to hear from you. I hope to get 52 new and different ideas for us to discuss.

My vision for ICSOM has always been that of a super-committee of delegates communicating what they are doing in their individual orchestras, with each delegate taking that information and using it as a reference point with which to craft solutions for his/her own orchestra, rather than recreating the wheel every time there is a crisis or problem. For example, one major issue facing most orchestras is audience development. In my recent travels, I went to Detroit to speak with their Negotiating Committee. Before we met, however, they had to play two family concerts. These concerts are performed on Saturday morning, and each concert was sold out. The Detroit Symphony has just opened a new addition to their hall—a large atrium where they serve hot dogs and soda, and where student musicians had string and brass instruments with which the children could try to make a sound. The concerts feature a conductor who is engaging, smart and speaks to the audience in much the same way that a family conversation might take place at home. All in all, it was a great success and extraordinarily entertaining.

How many orchestras have tried Saturday morning youth concerts? Would they work for your orchestra? How does the conductor or music director develop an exciting and engaging program? Why sit around in your isolated committee, talking in speculative terms, when you could simply call the musicians in Detroit and discover how their program has evolved? In this way, we can all benefit from the successes of our colleagues.

How many other initiatives are out there that we could hear about and use or modify to help us better solve our problems? My hope is that Delegate-L will become an "ideas list," used to share orchestral successes and even failures. Perhaps where one orchestra failed, another could modify a concept and make it work.

We are not isolated. We are a part of a 52-orchestra organization with hundreds of great and creative minds. Let's use our combined knowledge to create new solutions to the systemic problems that plague us. I look forward to hearing from all of you.

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## President's Report Brian Rood



For most musicians, late December is spent trying to squeeze in some holiday shopping while performing endless Nutcrackers, Messiahs, and other seasonal concerts. For the ICSOM Governing Board, this time of year also includes planning our annual midwinter meeting. Weather permitting, this year's session will be held in Chicago on January 19. Issues and concerns you would like to see addressed may be sent to your Delegate, Member-At-

Large or other ICSOM officer. A report of the meeting will appear in the next issue of *Senza Sordino*.

Amid all the uncertainty regarding political and world events, and despite recent concessionary orchestra negotiations, it may be time for musicians, managements, and boards alike to look ahead more optimistically. Signs of economic recovery are underway across the country: the Dow Jones Industrial Average closed above 10,000 for the first time in eighteen months; the economy grew at its fastest rate in nearly 20 years during the third quarter of 2003; orchestra endowments are beginning to recover from market declines; and ticket sales are returning to pre-9/11 numbers in many cities. A welcome twist on the current negotiation scene is that contract provisions, for some orchestras, are being improved at the table.

Clearly, there are orchestras that have not only "weathered the storm," but actually thrived. Is there an opportunity to learn from these orchestras?

Included in Kennedy Center president Michael Kaiser's remarks at this summer's ICSOM Conference were two important points worth mentioning here:

"By drastically cutting artistic programming and marketing [as a knee-jerk reaction to short-term fiscal problems,] one virtually assures additional reduction in revenue for the future. Donors and audiences 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."

Creative and effective marketing really does pay off in terms of increased audiences and earned revenue. A recent example of such success can be found at the Phoenix Symphony. This season, according to Eric Sellen, the orchestra's Director of Marketing and Public Relations, the Phoenix Symphony has experienced "a new historic high in subscription series sales, new record high telemarketing sales for the third year in a row, record-breaking web ticket sales every month all fall long, and seven sold-out concerts to date." (Many thanks go to ICSOM Delegate John Lofton for sharing the news of these successes with us.)

The other point stressed by Michael Kaiser in Vail was this:

"We need to insist that arts managers and boards are trained so that they become strong stewards of our industry. Without

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## Treasurer's Report Michael Moore



The following is a snapshot of our financial condition, as of December 26:

### Account balances:

AGE ERF	\$215,985.20
AGE General	\$19,290.32
AGE Mendolson	\$30,930.73
STB Chairman's	\$3521.90
STB Secretary's	\$3152.38
STB <i>Senza Sordino</i>	\$4778.24
STB General	\$61,181.43
Total:	\$338,840.20

One new \$10,000 ERF loan was provided.

All funds this quarter have been deposited into the SouthTrust General account, with transfers going to the satellite accounts. In January, most will be transferred to the AGE General account. Expenses this quarter totaled \$26,315.81 (vs. \$43,727.79 the previous quarter.)

25 orchestras have paid dues so far, for a total of \$74,145. 26 orchestras still have dues outstanding, totaling \$91,346. (A reminder—our bylaws now impose a penalty if dues are not paid by March 1.) Out of the total dues amount, the ERF now receives \$8,486 and the Mendolson fund (for our Minority Scholarship program) receives \$4,243 (\$2 and \$1 per capita, respectively).

Dues from our newest member orchestra, Puerto Rico, came to \$2,555. There are currently two orchestras who will likely not be in a position to pay dues, and that combined amount is \$4,760. For this fiscal year, dues to the general funds (i.e. all except ERF and Mendolson) will increase \$8,340, plus the aforementioned \$2,555, and minus the \$4,760, for a net anticipated gain of \$6,135. Subtracting an increase in legal expenses of \$1,800 will yield an additional \$4,335 over last year for ICSOM's other program services.

Next year, net dues income will increase another \$1,800 as well as the next four years after that. So, thanks to you as voting members of your orchestras, ICSOM should be on stable ground, with funds available to pursue our joint goals. I especially wish to thank the orchestras who paid this year's dues early, thus eliminating the need for the Governing Board to borrow from the ERF. I wish all ICSOM musicians a happy and prosperous new year.

*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.

## Secretary's Report

Laura Ross



I hope you all had a fantastic holiday, and that we can all look forward to a better year than the last. 2003 passed at break-neck speed (thankfully), and it's a new year already. As always, I am never far from my trusty laptop, even on my holiday vacation, which is a good

thing, since we have a Governing Board conference call; an Electronic Media conference call; and a meeting (on the last day of my vacation) with the Electronic Media Committee!

On a personal note, I'd like to thank the Houston Symphony for the excellent performance I attended during Thanksgiving weekend. I was quite pleased to catch up with many of my friends in the orchestra, and I'm very proud of the entire ensemble. They are the ultimate professionals, determined to challenge themselves to perform at the highest level, no matter what. I remember the recovery period my orchestra faced following bankruptcy years ago, and I can only wish that the Houston musicians, as well as those in many other orchestras who have been forced to make concessions this past year, recover quickly and successfully.

As for my secretarial duties, I continue to remind delegates in their periodic mailings to contact me when negotiations and ratification are completed. Some delegates and committees have been very good on this score, but some orchestras who settled months ago have never contacted me. I encourage your orchestra to contact me regarding settlement bulletins, because this is the best way for our colleagues to learn the real details of a new agreement, as opposed to reading a newspaper article that may leave out many important aspects of a new agreement. Once a settlement bulletin is approved by the delegate and/or committee, I post the information on Orchestra-L. Robert Levine posts the formatted version on the ICSOM website ([www.icsom.org](http://www.icsom.org)) and hard copies are mailed to delegates in their periodic mailings.

Just prior to Thanksgiving, I tallied the results of the five resolutions that required ratification by ICSOM orchestras. The results (each orchestra having 1 vote) were as follows:

- Resolution (#1) to increase ICSOM dues — 39 in favor, 1 abstention
- Resolution (#2) to reinstate the ERF — 39 in favor, 1 abstention
- Resolution (#3) to encourage timely payment of dues — 37 in favor, 2 against, 1 abstention
- Resolution (#8) to address a housekeeping issue — 39 in favor, 1 abstention
- Resolution (#10) to adopt a new procedure of notifying the ICSOM Secretary of bylaw ratification by individual orchestras — 38 in favor, 1 against, 1 abstention

New ICSOM Bylaws were mailed to the delegates in November and can be found on the ICSOM website.

I have, happily, handed over the *Senza Sordino* mailing list to *Senza* editor Sam Bergman, who will be making many changes to account for our move from boxed and enveloped mailings to bulk mail. The list was relatively easy to maintain; the only tedious part was printing the labels, which took over an hour each time. I do not envy Sam the task, as delegates will now have five entries as will locals and orchestras. While there are some subscribers, there are also player conference reps and complimentary copies to keep up to date as well. By far, the largest part of the list I had to maintain were the 900+ emeriti — add to that the 4,000+ musicians currently in ICSOM orchestras and you see the massive task Sam is taking up!

I am also pleased to announce that the first draft of the conference minutes is being proofed, and I hope to have them mailed to the delegates by early January when I return to Nashville.

As I mentioned earlier, there will be some ICSOM activity in Chicago in January. The Electronic Media Committee will meet on January 4. The Governing Board will hold their mid-winter meeting two weeks later in Chicago on January 19.

Finally, as announced elsewhere in this issue, the 2004 ICSOM Conference will be held August 18–21 in Salt Lake City, Utah. We thank the Utah Symphony, the Baltimore Symphony and the Puerto Rico Symphony for submitting proposals for consideration. More information will be forthcoming in the spring, but the conference is slated to begin on Wednesday morning, a change from past practice, so delegates will need to arrive on Tuesday evening. Mark your calendars!



## President's Report

(continued from page 3)

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."

Every successful orchestra has at least a trick or two up its sleeve that other orchestras may have not tried or even thought of. A founding tenet from ICSOM's early years was that "common problems might have common solutions." With the technological opportunities now available—ICSOM's e-mail discussion lists, relatively inexpensive long distance telephone service, etc.—it should be easier than ever for musicians to communicate with each other and research the best practices throughout our industry.

Finally, I would like to extend my deepest appreciation to our immediate past Governing Board members who stepped down last summer. Former *Senza Sordino* editor Tom Hall and Member-At-Large Mary Plaine were indispensable to the Governing Board last year. Their commitment and leadership are models of exemplary union principles. ICSOM is stronger and more vibrant because of their tireless devotion to our musicians and the orchestra industry.

## **A Special Night to Remember a Special Guy** **Len Leibowitz, ICSOM Counsel**

*Editor's Note: Lew Waldeck, former tubist and ICSOM delegate with the New York City Opera Orchestra and Director Emeritus of the AFM's Symphonic Services Division, died on January 26, 2004 at the age of 69.*

The little room in the old local New Jersey government building off of Broad Street was packed. A makeshift rostrum had been set up in the middle of the floor, and it was surrounded by wall-to-wall humanity, most of whom wore Hawaiian shirts and baseball caps. Ties were strictly forbidden.

They had come from as far as Honolulu and California as well as from around the corner. When we arrived, the closest we could get was the doorway, but the room was so small it was close enough to see and hear the love. With the notable exception of a former ballet dancer who had known Lew since he played in the ABT orchestra, there were very few tears.

Marsha Schweitzer had come from Honolulu to recall Lew's role in getting the members of the Honolulu Symphony through the worst of the many tough times that orchestra has had (and still has) to endure. Her voice was resonant with adoration. Nathan Kahn adored him too. Everyone did, whether they spoke or not.

Now—famous Waldeckisms were repeated and echoed like hymns. People shouted "POWAH" at any reference to his renowned "dog and pony" show. "If you have to know now, the answer is no," "Hugs and Kisses, everyone" and "Remember the Little Train that Could!" bounced off the rafters. As they did, snippets of memories of Lew kept popping into my head like bubbles in a glass of seltzer.

I remembered the New York City Opera Orchestra Committee in the 1970s (where I first met him). It included Lew,

Florence Nelson, John Palanchian, and as I said recently, "a couple of other guys." As those memories floated by, I turned around and there were the "other guys." What a committee that was! They actually let me believe that I was the chief negotiator. Yeah, right! And, across the table, was our "adversary"—a still beautiful and brilliant Beverly Sills.

I am perplexed that none of the speakers that night mentioned Lew's own "Sundance Kid," John Palanchian. As we adored Lew, Lew idolized John. When Lew furnished (if you can call it that) his office at the AFM, the only adornment on the walls was a photo of the then-late "JP."

Then Florence spoke, and though she didn't refer to the days of the New York City Opera West Coast tours, I couldn't help recalling the stories of her and Lew cooking chili and steaming clams on the California beach, feeding the entire orchestra, most of whom were too drunk to notice. Thinking about chili brought to mind another one of Lew's favorite people, Milton Carter, the late President of AFM Local 677, Honolulu. To every symphony musician in Hawaii Milton was their own local version of Lew Waldeck, and they loved them both.

I also remembered the Buffalo Pilots and the Salt Lake City Stars; the Indianapolis Indians and the Pittsfield Mets, whose "stadium" was located in the parking lot of a diner in downtown Pittsfield, Mass.

Wherever we were around the country Lew dragged us to a minor league baseball game, until we grew to love them as much as he did.

And just as I started to remember the bird hospital in their living room, Mary hugged me. It was quite an evening—you shoulda been there. I wish Lew had been.



**Lew Waldeck**  
**1935–2004**

## Backstage Roundup

### Sam Bergman

Items in this column 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 [orchestra-l-subscribe@topica.com](mailto:orchestra-l-subscribe@topica.com). 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*.] All reports in this column were accurate as this issue went to press.

After several weeks of intense media scrutiny and behind-the-scenes debate, the proposed merger of Carnegie Hall and the **New York Philharmonic** was called off in early October, due to unresolved scheduling conflicts, and the increasing opposition of board members in both organizations. The Philharmonic will remain as the primary tenant at Avery Fisher Hall in Lincoln Center.

The story of the year in the orchestral world was, of course, in Southern California, where the **Los Angeles Philharmonic** debuted its long-awaited new concert hall in October. Designed by world-renowned architect Frank Gehry, Disney Hall was immediately hailed in the press as a musical and architectural triumph. Writing in the online magazine *Slate*, Christopher Hawthorne called it "a building where the members of a democracy can go to feel refined, to be lifted from the everyday," and the *New York Times* pronounced the swooping facade to be "a cornerstone for the creation of a downtown area that already shows signs of reinventing itself." The accolades for the hall's acoustic, and for the sound of the Philharmonic on its opening night, were every bit as glowing as the reviews of its architecture. Writing in the *Los Angeles Times*, Mark Swed described the Phil's new home as "everything and more than we might have hoped for. In this enchanted space, music can take on meaningful new excitement even in an age when many art forms are satisfied with oversaturated stimulation." Charles Michener, of the *New York Observer*, was equally impressed: "People in the concert business tell me that it takes about three years for an orchestra and a new hall to settle down acoustically. What I heard at Disney Hall suggests a marriage that is off to a roaring start."

The **Metropolitan Opera** received a \$3.5 million gift from the Annenberg Foundation in December, dedicated to preserving the Met's world-famous radio series. The future of the Saturday afternoon broadcasts, heard on 365 stations in the U.S. as well as in 40 foreign countries, was cast into doubt last spring, when ChevronTexaco withdrew its sponsorship. The Annenberg gift will cover approximately half the cost of the current season's broadcasts, but will not be annually renewed, meaning that the Met is still seeking permanent sponsorship for the series, which is in its 64th year.

2003 was a roller coaster of a year for the **Detroit Symphony Orchestra**, which debuted its newly renovated Orchestra Place complex in October to rave reviews from the local and national press. The \$60 million, 135,000-square foot Max M. Fisher Music Center was conceived not only as an upgrade to the DSO's concert hall, but as a revitalizing force for the downtown neighborhood that the orchestra calls home. However, the news wasn't all good in Detroit, as the orchestra reported a \$2 million deficit in December, its largest in a decade. It was the third straight year of red ink for the DSO, and the lack of fiscal balance appears to have cost the orchestra's president his job. Emil Kang, who became the youngest president of an American orchestra when he was hired in 2000 at the age of 31, quit suddenly just before Christmas, with board chairman Jim Nicholson refusing to comment on whether he had been forced out. The DSO is also continuing its search for a music director to replace Neeme Järvi, who will be leaving at the end of the 2004-05 season to become the music director of the **New Jersey Symphony Orchestra**. The NJSO announced the appointment in late October.

The musicians of the **Honolulu Symphony Orchestra** reluctantly agreed to a devastating round of cuts in mid-October. Following a reopening of the HSO's 5-year contract (currently in its third year) the base salary was immediately slashed 20%, with a wage freeze the following year, and a re-opener clause available to both sides in the final year. Pension benefits were also cut, and four weeks were shaved off the 34-week season. Musicians were told that the only alternative to the cuts would have been to eliminate six musicians from the orchestra.

The **Saint Louis Symphony Orchestra** announced in December that American-born conductor David Robertson would be its next music director, taking up the reins in September 2005. The SLSO has been without a music director since Hans Vonk was forced to step down last year due to his failing health. Violinist/conductor Itzhak Perlman has been serving as the orchestra's "artistic advisor" and frequent guest conductor in the interim. The SLSO had also made some headlines in October, with the dismissal of the orchestra's well-regarded general manager, Carla Johnson. Orchestra officials said that the position of GM was being eliminated for budgetary reasons, and that Johnson's duties would be split amongst other senior staff.

Also in October, the **Milwaukee Symphony Orchestra** hired 29-year-old Mark C. Hanson as its new president and executive director, replacing Steven Ovitsky, who resigned last spring. Hanson had been executive director at the Knoxville Symphony Orchestra since April 2001, where he was credited with retiring 2/3 of the KSO's accumulated debt, and doubling the size of its endowment. [Disclosure notice: *Senza Sordino*'s editor attended summer camp with Mr. Hanson for several years in the early 1990s.] In November, the MSO reported an \$874,000 deficit for the 2002-03 season, which was \$1.6 million better than initial projections.

(continued on page 7—see BACKSTAGE)

## Backstage Roundup

(continued from page 6)

There were also management moves at the **Minnesota Orchestra**, where chief financial officer Ward Gill resigned in November to become president of the San Diego Symphony, and development director Mary Ellen Kuhl resigned after more than a decade with the organization. Neither Gill nor Kuhl will be immediately replaced in Minneapolis, as the orchestra's new president, Tony Woodcock (formerly of the Oregon Symphony), works to contend with a reported \$2.4 million deficit (the orchestra's fifth consecutive year in the red), and slumping ticket sales. Woodcock's arrival led to some scrutiny in the local press, after the orchestra's incoming board chair resigned in a huff during the search process, and a few other board members appeared unhappy that an external candidate had been hired. The musicians of the orchestra were intimately involved in the search process, and were supportive of Woodcock's hiring, as were the majority of board members and staff.

Despite the best efforts of musicians and community volunteers, the **Florida Philharmonic** appears to be finished, reports ICSOM delegate Jay Bertolet. In a December posting to ICSOM's Orchestra-L, Bertolet wrote, "All reorganization attempts appear to have failed and the parts and pieces of the institution are being auctioned off. Largest of these items are the rehearsal hall and music library, which are currently being bid upon, and said auction closes on January 6th. There will be court hearings on January 8th to review the bids and declare winners for these items. There are already bids on both items and, while we could not raise enough money to bid on the library ourselves, it appears that the current high bid for the library is made by a local entity that intends to preserve the library for the use of any possible successor organization. That may end up being a good or bad thing, as the musicians of the FPO will not have any control over the disposition of this local asset. As of right now, it appears that all the possessions of the FPO are slated for liquidation and that disbursement of funds to the creditors will begin within 3 months."

The struggle for solvency continues at the **San Antonio Symphony**, where the 2003–04 season has been officially cancelled (a 26-week season is tentatively planned for 2004–05), and executive director Steven Brosvik resigned in mid-November. The resignation prompted an angry column from *San Antonio Express-News* critic Mike Greenberg, who wrote, "[The] symphony board habitually hires executive directors who are guaranteed to fail because they lack either the experience needed to manage the institution effectively or the personal authority to manage the board itself—or both." For more on the current situation in San Antonio, see Dan Zollars's report on page 8.

Deficits abounded for ICSOM orchestras reporting their financials for the 2002–03 season. The **Philadelphia Orchestra** reported a \$1 million shortfall on the year, and the **Cleveland Orchestra** ran \$2 million in the red, with a projected shortfall of \$4 million for the current season. The **Chicago Symphony Orchestra**, which had reported a \$6 million deficit for the 2001–02 season, officially broke even in '02–'03, but the budget was only balanced due to an additional endowment draw of \$1.3 million, and the CSO anticipates a return to red ink for the current season. The

**Houston Symphony Orchestra** reported a deficit of \$3.56 million for the '02–'03 season, which was \$1.3 million more than the HSO's board had anticipated. It is thought to be the largest deficit in the orchestra's history, with decreases in ticket sales and donations cited as the main causes, as well as continuing fiscal difficulties stemming from the 2001 flood that badly damaged the orchestra's library at Jones Hall. **San Francisco Opera** ran \$3.8 million in the red, which, although far from breaking even, was 50% better than the previous year's deficit, and far better than the \$9 million shortfall the SFO had originally foreseen. And the **Saint Paul Chamber Orchestra** announced an \$800,000 deficit despite increased ticket sales and subscriptions, the ensemble's first shortfall in a decade.

The **San Francisco Symphony** posted a deficit as well, but it was so miniscule—\$136,000 on an annual budget of more than \$50 million—that it almost shouldn't count as a shortfall. And bucking the trend of red ink completely was the **Pittsburgh Symphony Orchestra**, which reported in late October that it expects a balanced budget for the 2003–04 season, as a result of increased donations and improved endowment performance. The PSO had initially projected a deficit of between \$2.5 million and \$4.5 million for the '03–'04 season. The PSO also announced in November that it will shortly become the first American orchestra to perform for the Pope in Vatican City. The performance, which was organized by conductor Gilbert Levine, is scheduled for January 17, 2004, and will feature Mahler's "Resurrection" Symphony.

In December, the **Dallas Symphony Orchestra** announced that music director Andrew Litton would be stepping down when his current contract expires at the end of the 2005–06 season. Word of Litton's impending departure touched off a passionate online debate regarding his tenure with the DSO, sparked by an unusually blunt column by composer/critic Greg Sandow at his blog on *ArtsJournal*. The debate made a few waves around the industry, with musicians, orchestra staffers, and journalists from around the country weighing in, mostly anonymously. Sandow's original column can be found at <http://www.artsjournal.com/sandow/archives20031130.shtml> and the follow-up responses can be read at <http://www.artsjournal.com/sandow/archives20031207.shtml> (scroll down the page a bit to find them.)

Finally, there was good news from Birmingham, where the **Alabama Symphony Orchestra** found out shortly before New Year's that they would soon have an additional three weeks of annual employment. According to ICSOM delegate Jeff Solomon, the ASO's new executive director, Paul Ferrone, announced to the musicians on December 30 that the orchestra's 3-week summer season, which had been cancelled after the 2001–02 season for financial reasons, would be reinstated in June 2004. ASO orchestra manager Terri Johnson tells *Senza* that the summer season will include four weeks of outdoor concerts (one week was already on the ASO schedule), featuring a mix of classical and pops works slated to be performed both in Birmingham, the ASO's home, and at Fort McClellan in Anniston, Alabama, 60 miles to the east.

## **Toughing it Out in Texas** **by Dan Zollars, San Antonio Symphony ICSOM Delegate**

It's been a rough year in San Antonio—one bit of bad news after another. We are in the first year of a four-year agreement, which we ratified in late October. In every respect a horrendous agreement, it begins with a season of zero weeks and ends with three seasons of 26 non-consecutive weeks. We also lost our health insurance benefits this season with less than one day's notice, and received a promise of only partial restoration next season. We've lost ground on other benefits as well, including parking and personal leave. It's the best that could be done under the circumstances, despite many long hours and lots of hard work by the negotiating team (Craig Sorgi, Debbie Torch, Lee Hipp, Jeannine Fancher, Larry Bird, Dan Zollars, and ICSOM counsel Len Leibowitz). The board violated our contract by filing for bankruptcy before the financial emergency procedures were completed, and right now, we are the ones who are paying the price. In the long run, though, it is the institution, and the city of San Antonio, who stand to lose the most.

It is now up to the board to present a viable reorganization plan to the bankruptcy court by the end of January. Despite having been given one extension already, it appears to us that the board's plan is still only in the formative stages. Actually, that's pretty charitable. An independent advisory group was appointed last August to look at the San Antonio Symphony from a new perspective, but since then, they have met only twice, and are not looking at the financial numbers. Two board members are working on some financial plans, but most board members remain

relatively uninvolved. When they finally meet in January to discuss the plan, it will be only the second meeting of the full board since the vote to declare bankruptcy was held in June. That January meeting is likely to be the only involvement with the plan for most board members.

Finally, the Oversight Committee, called for by the Mayor's Task Force last summer, has been postponed indefinitely—in fact, we don't know if it will ever meet. As important as it is to 77 professional musicians that a good and viable plan be presented to the bankruptcy court, it doesn't seem as though there is much going on in that direction. Implementing a plan will likely prove difficult, too, for a predominantly corporate board that has never built any bridges to the private funding community.

On the other hand, there are some positive signs. A group of San Antonio corporations we call the stakeholders have been working to keep the office open during this dark period, and to fund the development of the bankruptcy plan. Concurrent with that effort is the development of a new public relations campaign, using a well-known local consultant. This, and a general acknowledgement that there hasn't been adequate promotion of the symphony over the years, gives us a clue as to some of the changes of direction on which the organization is focusing. The 2004-05 season has been planned as well, though much remains to be done in this regard. Also, the orchestra's executive director, Steven Brosvik, resigned his position effective December 6. [*Editor's Note: Read more on Mr. Brosvik's resignation in this issue's Backstage Roundup.*]

*(continued on page 11—see TEXAS)*



## Learning to Lead

by Tina Ward, St. Louis Symphony

*Editor's Note: The following article is a summary of the experiences of the musicians of the Saint Louis Symphony Orchestra in a series of leadership seminars undertaken in the past year. An expanded version of the article, including supplemental reading suggestions and complete curricula for each of the seminars, can be found on the ICSOM website, at <http://www.icsom.org>.*

During the 2002–03 season, the musicians of the Saint Louis Symphony Orchestra had the opportunity to participate in a series of workshops on communication and leadership. The workshops were scheduled as six sets of two–day sessions, held at three–to–four week intervals, with each session consisting of two consecutive four–hour days. The agreement to participate included background reading of a small number of articles pertinent to the topics to be discussed, and brief homework assignments between sessions in addition to attending the seminars.

The training was the direct result of the SLSO musicians' vision. In accepting more authority and responsibility within the organization, the leaders of the SLSO Musicians' Council realized that there was a need to develop better communication and team skills. They believed that a series of seminars could provide the information and practice required to be more effective in all aspects of leadership. Some of the musicians had met John McCann at the Mellon Orchestra Forum meetings, and asked if he would be willing to facilitate a series of workshops. Curricula for the seminars were devised by McCann, in consultation with the members of the Council. Participation in the seminars was open to all musicians willing to make the commitment to attend and fully participate. A total of 17 musicians attended.

The sessions included a great deal of discussion, with the readings and homework as departure points. Exercises were used to allow us to practice new skills, and current situations became working illustrations of problem solving, with the lessons linked to our real lives. In the initial sessions, for instance, the group collectively agreed to ground rules which included a commitment that all participants attend all meetings. By the second month, several people who had not attended the initial meeting wanted to join the group. That created the dilemma of accepting new participants, thus breaking the newly established ground rules, or adhering to the ground rules and losing the benefits added members would bring. This situation became a group problem solving exercise, and an opportunity to experience the topics of that seminar: listening and dialogue.

Throughout the seminars, the group value of respect was always present. McCann maintained a non–threatening environment in which no one was ever embarrassed. The environment created was one of empathy, camaraderie, excitement, learning, and fun.

At the final session, each participant was asked to respond to the following question: "What of value are you taking away from your work in the training?" These were some of the responses:

- "The ability to communicate at a higher level of understanding, and to hear what the other person is saying."

- "That, as a group of musicians, we can take, and have taken, greater responsibility for our awareness of ourselves, our behavior, and that of the entire SLSO."
- "[The knowledge that] there are new ways of getting results."
- "[Methods of] communications and problem solving, despite emotional unrest."
- "A clear idea of a process for change, and a hope that real change is possible."
- "The ability to see and use methods and processes to further efficient and productive work."

A member of the orchestra who had not participated in the seminars had expressed interest in learning more about the work. When I asked what he had observed that piqued his interest, he replied that he had noticed a change in the overall demeanor of the Council. He felt that, as a group, they appeared calmer when approaching conflict and problem solving, and that they were more able to "read" the other side in a conflict, and find an answer acceptable to all.

An excerpt from the notebook prepared by John McCann: "The objective of the curriculum is to improve each participant's ability to communicate in ways that are constructive, and to assume responsibilities of leadership within the orchestra, and the larger institution, that will help the SLSO achieve its long-range vision."

The first seminar dealt with group dynamics, and how to identify who we are, both as individuals, and within a group. As a group, we identified and agreed to our core values of respect, willingness to change, honesty with self and others, authenticity and empathy. Many of us in the training were also involved in the year–long visioning process of the SLSO Forum, and our work with McCann prepared us well for participating in the determination of the core values of the SLSO.

We also looked at the "ladder of inference," which is a theoretical structure illustrating how we come to see our beliefs as truth. The bottom rung of the ladder is observable data: that which we can see. The next rung is selected data, that information which we separate out to create the next higher rung, added meaning. The rung above meaning is the making of assumptions based on the meaning, leading to the next rung of adding beliefs. The top rung of the ladder is taking actions based on the beliefs from the rung below. The beliefs then start to influence the data selected, and the loops becomes reinforcing.

The ladder of inference allowed many of us to understand how we came to our individual assumptions. Using this awareness, one can be more open to questioning one's beliefs and create the possibility for selecting and interpreting information differently.

In the second seminar, entitled "Communicating Through Active Listening and Dialogue," we had the opportunity to experience the value of silence, and to practice asking genuine questions, as well as learning about

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**Charlotte***(continued from page 1)*

Management requested that a federal mediator become a part of the process on day two of the strike. Although it was very early in the process for such an action, we decided that, because so little progress had been made, this was really the next step. John R. Everman, a commissioner with the Federal Mediation and Conciliation Service, was invited to join the talks. His presence added a third-party perspective that the board badly needed.

The next five weeks of the strike did not yield much improvement in management's offer. There were variations in the way the total monetary offer would pay out, but no backing away from other demands management had made. There was really no room for the process to move forward, as their demands for regressive working conditions as well as salary concessions prohibited meaningful discussion and progress.

As the strike went on, we mounted a public relations campaign both in the press and in the community. The majority of our press contact work was handled by John Bartlett, our main spokesperson, and by me. Carol Stumpf was the coordinator extraordinaire. She helped to coach us, edit copy, calm us down, make sure we were on time, and she generally made all of it happen. We had several local TV stations, radio, and other print media inquiring constantly about the process. We used the services of William Thompson of Locus Media in Louisville to write news copy, and to coordinate with Lenny Leibowitz on our press management. We also had several strike concerts to help get our message out, and to take donations for our health insurance premiums and legal fund payments. We cannot thank enough the staff of Trinity Presbyterian Church, Queens University of Charlotte, and Davidson College for the use of their facilities. Local 342 negotiated a contract with Opera Carolina for two weeks of work in October—work that would have normally been performed under an agreement between the CSO and Opera Carolina. All of these events helped the players continue playing together, brought music to the community, and helped out financially through donations.

Not surprisingly, the last week of the strike had a roller coaster ride of strategic moves. It was clear at this point that the management was dug in, and there was now talk of the cancellation of the season and, according to management's counsel, other thoughts of "doing something stupid." Lenny had the (rarely used) idea of submitting the whole negotiating issue to binding arbitration. We had submitted counter-proposal after counter-proposal over the course of the 6 weeks, and although management had come up on salary figures once, they continued to use the shell game tactic of moving money around, while actually never agreeing to commit more to the overall total. Lenny's idea was to create a list of orchestra managers with experience in the top 10 ICSOM orchestras, from which the CSO management could pick. The person chosen would then look at each side's proposals, discuss the issues, and render a binding decision. Over a conference call with the entire orchestra, Lenny proposed this idea, and gave his opinion that management would likely not agree to this. We voted in the affirmative on a motion to pursue the arbitration.

At the same time, management was promoting a pops concert with Olivia Newton-John that was scheduled for the end of that week. We were uncertain if the management was going to have Olivia and her band play a

show without an orchestra. We had been in touch with Symphonic Services about this concern, and Janice Galassi, Eric Beers, and AFM President Tom Lee were working hard to contact Newton-John's management to encourage her not to cross a picket line in Charlotte.

The orchestra management and the chair of the Board of Directors felt compelled to make sure that our players were kept in the loop of all the "offers" they made during the strike, so they choose to use an e-mail roster they had for the players. They were concerned that information was not being shared with the players, and often had e-mails prepared within a few hours of the conclusion of a meeting. It was suggested during mediation sessions that management was not motivated to better their offer because they had been told that the musicians were ready to accept what had been on the table for weeks. Although not wanting to be pressured into a vote by management, we decided to have a vote on what was on the table, since there would likely be no movement until we rejected their offer.

It became apparent the day before the scheduled pops concert that Olivia Newton-John and her band were not likely to cross our picket line. We had overwhelmingly rejected the current offer on the table. These developments, along with the plan to submit the negotiations to arbitration, provided enough pressure for a deal to finally fall into place.

As was reported in the ICSOM settlement bulletin, we ended up with a 5-year CBA. The management was only willing to commit to the increases we received with the labor peace that a 5-year agreement can give. We ended up with about a 28% increase in weekly pay over the term, increases in seniority and pension, elimination of 9-service weeks without additional pay, and work hardening language, among other things. We agreed to a health insurance task force to help address the rising cost of health care, and we have been meeting to find a solution. It has progressed much slower than we had hoped or expected, due to some continuing disagreements about overall cost calculations, so we have agreed to extend the process another month. However, we are hopeful that we will come to a plan we can all agree to when we resume talks in January.

Prior to the strike, the management was projecting that we would continue to see a deficit for the next couple of years. The Board of Directors now has committed to dealing with the deficit, and has a plan to retire it as soon as possible. The CSO is now in the quiet phase of an endowment campaign that is long overdue, and will soon announce the campaign publicly.

Some have expressed fears that the CSO will not be able to make good on its promises of the salary increases, especially the larger ones found in the later years of the agreement. We recognize that concern, and hope that the endowment campaign, the deficit reduction plan, and the increased involvement of the corporate community will exceed management's expectations. We hope that the two-year search for a permanent development director for the CSO will yield an energetic and talented person. We hope that the letters to subscribers that our management wrote during the strike will not alienate them from the healing process we must share. We hope that the recently announced plans to increase the size of the orchestra by four more players next season (although we understood

*(continued on page 11—see CHARLOTTE)*

## Charlotte

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from discussions during the strike that the cso could only afford two players) is a sign that the finances are coming into shape and that management won't have a problem meeting their obligations during this agreement. With that news, it seems ironic that, only two months ago, we were fighting to not have cuts in our weekly pay, and we continue to quibble over a few thousand dollars in health care costs, but ultimately we must look forward toward the future of the organization. We hope that future is a bright one.

This article would be incomplete without recognizing the people and organizations that helped the Charlotte Symphony Players' Association. The donations we received from other orchestras and individuals were incredibly generous and essential to our strike effort. With the help of ICSOM Governing Board Member-at-Large Paul Ganson's advice and advocacy, we were able to alert ICSOM to our needs, at a time when the committee was overwhelmed with work. He was even able to visit us in person for meetings and a strike concert! We received donations from the Atlanta local, as well as from the Buffalo Philharmonic, Pittsburgh Symphony, National Symphony, Atlanta Symphony, Chicago Symphony, Minnesota Orchestra, San Francisco Opera, Omaha Symphony, Colorado Springs Philharmonic, Dallas Symphony, New Jersey Symphony, and Baltimore Symphony. Chicago Symphony members Tom Hall, Rachel Goldstein, and Susan Synnestvedt, as well as Symphonic Services Director Janice Galassi, sent personal contributions. We would like to thank Lenny Leibowitz, ICSOM, the ICSOM Governing Board, Paul Ganson, AFM President Tom Lee, Janice Galassi and all the SSD staff, Jane Arant, Charles Rosekrans, Dr. Ernest Pereira, Bill Lawing, William Brown, Paul Nitch, Karen Jacob, Richard Kingston, members of the Charlotte Symphony Youth Orchestra, Zach Morgan, Megan Schlie, WDAV-FM, and many, many other local supporters too numerous to mention, for all the help they provided. Without their contributions and assistance, our struggle would have been much harder, if not impossible.

*Bob Rydel has been ICSOM delegate for the Charlotte Symphony since the fall of 2001. He is Co-Chair of the Negotiating team, has served as chair of the Orchestra Committee, and has been on the Executive Board of Local 342 since 1994. He cannot thank enough the other members of the negotiating team — John Bartlett, Co-Chair, Carol Stumpf, Marie Winget, and Ivan Zugelj—for their tireless work and commitment.*



## Texas

(continued from page 8)

At this moment, we appear to be coming to a crossroads—the moment when the bankruptcy judge accepts or rejects the reorganization plan. If he accepts the plan, it will take several months to implement, and there will be some hurdles to overcome as well. If everything goes as hoped, perhaps the symphony could be a somewhat-less-than-fully-operational, 26-week orchestra by the time the '04-'05 season begins. If the judge rejects the plan, it seems likely the case will be converted to Chapter 7 bankruptcy, and the court will begin the process of liquidation.

(I suppose there is a third possibility—the judge could grant another extension.) For any reorganization plan to work, it will be critical for the board to raise the money to fund it, and to do that in time to start performing next season on a more positive note.

I would like to take this opportunity to recognize the efforts of several people on behalf of the musicians of the San Antonio Symphony. First, thanks to ICSOM for all the understanding and support, and to all of you who have contributed your good wishes and hard-earned dollars. It was very much needed, and greatly appreciated. Then there are our San Antonio bankruptcy attorneys, Jim Hoffman and Tom McKenzie, who represent us in bankruptcy court. In our situation, local bankruptcy counsel has been very helpful. Also, our thanks to Bill Moriarty (Local 802) and Michael Kaiser (Kennedy Center), who worked with the board and musicians as mediators, and who later offered to help us in any way they could. Finally, what can one say in a sentence or two about Len Leibowitz? He has been working tirelessly with us every step of the way, and we deeply appreciate everything he has done on our behalf.



## Leading

(continued from page 9)

other techniques of listening and dialogue. The third seminar, "Working More Effectively Through Teams," looked at individual behaviors that strengthened team processes, such as encouraging others, asking for feedback, inviting others to speak, and being on time. We also considered processes that block teamwork, such as interrupting discussions, starting side conversations, being argumentative and building a negative attitude. We considered what individual preferences we each brought to a group, and how a group could effectively use each individual's strengths to create a better team. We practiced giving feedback in a supportive and constructive manner.

In our fourth seminar, "Leading Without Authority," we looked at some of the qualities of leadership that can create change and continuous improvement, such as motivating the best impulses, providing vision, and defining goals. We considered that leadership was not really a position within a hierarchy, but rather a set of behaviors. The fifth seminar looked at meeting preparations, beginning with objectives: why are we having the meeting and what do we want to achieve? We also considered a range of different choices in dealing with conflict.

In the final seminar, we reviewed many of the concepts introduced in earlier sessions. Each individual was encouraged to look at what skills s/he had learned, and what areas still needed attention. At the end of the day, we looked at our next steps both individually and collectively.

I ended the sessions excited about the new concepts and skills to which I had been exposed. At the same time, I reminded myself that it takes time and practice to incorporate changes into behaviors and habits. I was encouraged that I had new ways to react to situations that I hope, in time, will enhance every area of my life.

## Conference Reminder

*The 2004 ICSOM Conference will be held from August 18 to August 21 in Salt Lake City, Utah. Additional information will be made available in future issues of Senza Sordino and via bulletin and Orchestra-L.*

*The 2004 Conference will be dedicated to the memory of Lew Waldeck, former tubist and ICSOM delegate with the New York City Opera Orchestra and Director Emeritus of the Symphonic Services Division of the AFM.*

## A Note from the Editor

With this issue, *Senza Sordino* moves to a new mailing system which we hope will streamline our publication process, while also saving ICSOM a significant amount of money in mailing costs. All issues of *Senza* will now be delivered directly to the home addresses of each subscriber and ICSOM orchestra member by bulk mail, replacing the old system, under which ICSOM delegates distributed copies to members at the workplace.

With the switch to bulk mail, it becomes extremely important for ICSOM to receive timely notification of address changes. If you are moving, please inform your ICSOM delegate as soon as possible, so that the new mailing information can be forwarded on. Delegates should send all address changes to the editor at [sbergman@mn.rr.com](mailto:sbergman@mn.rr.com), or by regular mail at the address on the masthead.

We are working hard to make this transition as smooth as possible, but of course, there will likely be a few bumps in the road. If you have any questions, concerns, or problems to report, please contact the editor directly by phone or e-mail. Thank you.

**Senza Sordino**

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# Senza Sordino

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## Once more unto the breach, Detroit, once more!

by Joseph Goldman, Detroit Symphony Orchestra

Last July, almost halfway through a four-year contract, our board and management suddenly and unexpectedly informed us that the Detroit Symphony Orchestra was facing an immediate financial crisis and would run out of cash two months later, at the beginning of October 2003. We were told that the projected deficit for the 2002/2003 season was approximately \$2.5 million and that the 2003/2004 season would have an even larger deficit. Because of the financing terms for a \$60 million addition to our hall, also scheduled to open in October, they could not borrow any additional funds to alleviate the cash crunch unless they convinced the banks that we would have a balanced budget for the 2003–2004 season. The musicians were asked to elect a negotiating committee and agree to reopen the current contract. (Only three months earlier, the management had reported to the Finance Committee that the current season would have a manageable deficit of a few hundred thousand dollars and that they were still working on the following year's budget.)

The DSO musicians have a considerable amount of experience in concessionary bargaining, having twice before successfully followed Leonard Leibowitz's principles in 1989 and 1993. Our immediate response to management's request was to retain an accountant to verify the corporation's financial records prior to consideration of electing a negotiating committee. In the meantime, the musicians suggested to the board that we begin working on a long-range plan. We proposed a planning process in which the board and musicians would have equal representation and votes, with the corporation paying for all expenses. Following the two times we had previously agreed to concessionary contracts, management had invited us to participate in long-range planning. In the first instance, our inclusion was minimal, and in the second instance, we were much more involved, although not on an equal footing with our board and management.

As the long-range planning process began, the board members wanted to concentrate on convincing us of the dire financial circumstances of the

organization and to stress that cutting expenses, particularly musician compensation, was the only solution. As successful business leaders, they also saw bankruptcy as a viable option for resolving our financial problems. The musician representatives insisted on discussing board and management decisions that we believed were the primary cause of our current problems. The main areas of our concern were the recent management reorganization that led to a dismal showing in 2003 at the Meadow Brook Festival, our summer home, and the lack of adequate planning to recoup the investment and added expenses of the addition to Orchestra Hall. (Typically, a new or greatly refurbished hall will result in increased ticket sales of between 10 and 15%. Prior to the management reorganization, our classical subscription sales had been increasing. Afterward, we were looking at approximately a 5% sales decline.) The musician members of the long-range planning committee also suggested that we engage an expert planning consultant.

Although very little measurable progress was made, the discussions proceeded in an open and honest fashion. Eventually, the board members agreed to hire a consultant, and Peter Pastreich, who had been recommended by Leonard Leibowitz, was brought on board. Mr. Pastreich, who is well known both as a successful manager of the San Francisco and Saint Louis orchestras and a tough negotiator, was an unconventional choice, but he was able to quickly gain the respect of both sides as someone who would be fair, and who had the knowledge and experience to help us.

The corporation paid the October 9<sup>th</sup> payroll, but continued to issue dire warnings that each paycheck might be our last. The orchestra elected a negotiating committee on November 2, following our accountant's confirmation of the corporation's financial situation. We agreed to voluntary discussions with a target date of January 19 for conclusion.

The next month was a frenzy of activity as we surveyed the orchestra and interviewed attorneys. ICSOM Chair Jan Gippo was able to visit us to offer his advice and encouragement. Following the recommendation of the negotiating committee, the DSO musicians selected Leonard Leibowitz as our negotiating counsel. During this same time, our board chairman resigned, and the board elected James Nicholson to replace him.

Our first negotiating session on November 25 ended abruptly when the board and management representatives walked out after we told them that their request for \$3 million in concessions over a single year was too much. Later, both sides agreed to add the role of mediator to Peter Pastreich's responsibilities, and he called the two sides together for a second meeting, which was uneventful.

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## Chairperson's Report

Jan Gippo



This has been quite a busy time for ICSOM and the AFM, especially concerning electronic media. George Cohen led the Sound Recording Labor Agreement (SRLA) Digital Distribution negotiations, with the recording industry bringing representatives to the table from Sony, EMI, BMG, and Universal. These negotiations are difficult because neither party knows for sure what the public is going to want to buy in the future. Some of the distribution options being considered are interactive subscription services, "a la carte" digital downloads, limited or nonpermanent downloads, and permanent downloads. Each, of course, has a production cost, but each also earns money for the recording companies. The skill of the negotiator is to know how much to ask for the musicians who created the music. This negotiation was for non-symphonic work, but the ICSOM Media Committee is very interested in the outcome, because we will then enter into our own negotiations for digital downloading, and set rates for the symphonic product.

The next negotiation was the Symphony, Opera, or Ballet Audio-Visual Agreement (known as SOBAV, or simply the AV agreement), and it was also handled by George Cohen, with the management side being led by Joe Kluger of the Philadelphia Orchestra, along with representatives from the orchestras of Cleveland, San Francisco, Chicago, Houston, Nashville and the Metropolitan Opera. The Media Committee had a great deal of input into these talks, and our suggestions were noted on a proposal that was sent to the managers. They responded by accepting or rejecting each of our proposals, and that is where the sit-down negotiations began. When all was said and done, however, the only new proposal accepted by the managers was a 2% across-the-board increase for next year. The managers then asked for a task force of AFM representatives, ICSOM Media Committee members, and managers to discuss all aspects of the AV agreement. We look forward to these meetings, and will keep you posted.

Aside from media concerns, ICSOM has been pursuing many of the initiatives that we started on last year. As you will read in the President's Report, the Health Committee is now ready to start a feasibility study on national health insurance for all symphony orchestras. This is the furthest we have ever come to a solution for the rising costs of medical coverage, and managements and the AFM are in agreement that we must look into this possibility, even though the study will be expensive. I must caution, however, that the complexities of this study and the myriad concerns for all orchestras still make this endeavor only a possibility. We are very far from a solution, and at the end of all our study, we may find that there is none. Those of us working on the problem are optimistic, but it would be unfair to have anything more than vague expectations at this time.

Leslie Shank, of the St. Paul Chamber Orchestra, is now heading the Legislative Committee. She has started some projects and she and the committee need your help. If you can, please devote some time to looking into this committee's work. It is going to be one of the most influential voices of ICSOM, and all of us will benefit. You don't have to be a delegate to help. Anyone in the symphonic community can call Leslie and join in the committee's work. I am hoping for a groundswell of volunteers. We need to inform Congress about our needs, and to make them understand the musical tradition we are helping to continue.

(continued on page 9—see CHAIR)

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

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## President's Report Brian Rood



Since 1976, ICSOM has been involved in programs that provide assistance to minority musicians, notably the Music Assistance Fund (MAF), established by the New York Philharmonic in 1965. The program later came under the supervision of the American Symphony Orchestra League, and in 2002 the League and the Sphinx Organization created a partnership to establish what is now the Sphinx Music Assistance Fund.

ICSOM joined this partnership in 2002 to provide scholarship awards to the senior semi-finalist winners of the annual Sphinx Competition. These awards, in the amount of \$500 each, may be used only for music education expenses during the 2003-2004 year, including school tuition, private lessons, summer music school expenses, and acquisition and maintenance of a primary string instrument.

At the 7<sup>th</sup> annual Sphinx Competition, held February 19-22, 2004 in Ann Arbor and Detroit, Michigan, ICSOM Governing Board Member-at-Large Paul Ganson represented ICSOM and reported that "it was a great and gala affair, with a sumptuous reception following the concert." During the competition, the following senior semi-finalist ICSOM scholarship recipients were announced:

Joseph Conyers—Second Place  
Instrument: Double Bass  
Age: 22  
Teacher: Harold Robinson  
Home: Philadelphia, PA  
Credits: Solo appearances with Alabama, Flagstaff, Savannah Symphonies and Savannah Civic Orchestra. Recipient of Aspen fellowship, current student at Curtis Institute of Music.

Mariana Green—Third Place  
Instrument: Violin  
Age: 25  
Teacher: Ann Setzer & Ida Kavafian  
Home: Bronx, NY  
Credits: Solo appearances with the Boston Symphony, Boston Pops, Symphony Pro Musica, Civic Symphony and the Cape Ann Symphony. Graduate of the Juilliard School, current student at Mannes School of Music.

Christopher Jenkins  
Instrument: Viola  
Age: 24  
Teacher: Martha Katz  
Home: New York, NY  
Credits: Semi-finalist of the Fischhoff Chamber Music Competition, solo appearance with Harvard Summer Orchestra. Current student at Manhattan School of Music.

Shelby Latin  
Instrument: Violin  
Age: 22  
Teacher: Paul Biss  
Home: Bloomington, IN  
Credits: Gold & bronze double medalist of the ACT-SO Competition, Winner of the Rockford Mayor's Art Award, solo appearances with Beloit-Janesville Symphony, recipient of Rockford, IL Mayor's Award.

## Treasurer's Report Michael Moore

The balances of our accounts are:

AG Edwards ERF:	\$217,030.02
AG Edwards Mendolson:	\$30,763.17
AG Edwards General:	\$79,645.54
SouthTrust General:	\$49,383.65
Chairman's Account:	\$2,094.45
Secretary's Account:	\$2,576.40
Senza Sordino Account:	\$5,264.31
Total funds in all accounts:	\$386,757.54



To the best of my knowledge, all our bills are current, and we should have enough funds to operate effectively through this calendar year. All dues have been paid, with the exception of one orchestra which made prior arrangements and two that are not in a position to pay them at all. I'm happy to report that no orchestra was required to pay the penalty for late payment, although a couple came close. We have two outstanding ERF loans, one of which is due to be repaid by the time you read this. After all anticipated dues are collected, \$8,156 will be transferred from the AG Edwards General Account to the ERF account, as per the new bylaw.

We are expecting fairly high expenses for this year's ICSOM Conference, and small unanticipated expenses constantly come along; but thanks to your voting in our modest dues increase, ICSOM should remain solvent with a modest cushion for such expenses.

### AFM EMPLOYMENT OPPORTUNITY Symphonic Services Director

The AFM International Office is looking for an individual to work full-time as the Director of the Symphonic Services Division (SSD). SSD provides support for thousands of AFM orchestra musicians and their Locals.

Applicants should have a bachelor's degree, significant experience in labor relations, excellent written and verbal communication skills, knowledge of symphonic matters, and familiarity with collective bargaining. Knowledge of labor law and Department of Labor regulations preferred but not required.

Send cover letter and resume to:

AFM Headquarters  
Attn: Sara Honen  
1501 Broadway, Suite 600  
New York, NY 10036

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## Secretary's Report

Laura Ross



It was my great honor to represent ICSOM at the memorial service celebrating the life of Lew Waldeck, the first AFM Symphonic Services Division supervisor from 1983–95, on February 6 in Leonia, NJ. [Editor's Note: a transcript of Laura Ross's comments from the service are included in

our story on Lew's passing.] I wanted to say a few words about the extraordinary impact this man had on the many lives of those I observed at the moving tribute to this larger-than-life legend.

There were so many familiar faces from so many places, but a few stood out from Lew's past: his New York City Opera Orchestra colleague and the woman who replaced him when he retired as SSD supervisor in 1995, AFM Secretary-Treasurer Florence Nelson; the only person who actually knew where Lew was during his tenure with SSD, former AFM staffer Kim Wysocki; former NYC Opera ICSOM delegate Bruce Rezvez; Lynn Johnson, who came from San Diego and was hired by Lew in 1984; two other Waldeck employees, Nathan Kahn and Ellen McGlone, who came from Colorado Springs and Pittsburgh, respectively; Karen Schnackenberg from Dallas; Lew's friend and colleague David Sternbach, who was officiator of the celebration, and Marsha Schweitzer, who came from Honolulu to deliver the eulogy. So many people with so many connections and stories to tell about the "best hugger in the world."

Many of the wonderful tributes to Lew which were posted on Orchestra-L were read during the service, and a special reading of Shel Silverstein's *The Giving Tree* was also included. The tiny room was overflowing with people and many, including Len Leibowitz and Jay Blumenthal, were forced to stand in the door and hallway during the entire 2-hour celebration. Mary Waldeck and her sister both spoke, and two heartbreaking tributes by a family friend and a former ABT dancer had everyone in tears. It was a privilege to be included.

Nathan Kahn recently sent me an article written about Lew that talked about how his philosophy of life was formed at an early age. He told E.L. Cully, "Everyone helped everyone else. It never occurred to me that there was any option. When you saw something wrong, the idea was that you should do something about it." Lew gave us the knowledge and courage to use our power for the betterment of ourselves and of our industry. Lew blessed us, but he too was blessed with a wonderful family and friends who will remember him forever. He is gone, but his impact on our industry is without parallel. We have so much to be grateful for, and I hope that ICSOM and perhaps the other orchestra conferences can find some fitting way to honor Lew Waldeck in perpetuity.

*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.

## President's Report

(continued from page 3)

Stephanie Matthews

Instrument: Violin

Age: 22

Teacher: Paul Biss

Home: Bloomington, IN

Credits: Winner of the National Symphony Orchestra Young Soloists Competition, Sigmond Effron Competition, Cogen Competition. Solo appearances with Takoma Park Symphony Orchestra and the Washington Symphony Orchestra.

Kaila Potts (1<sup>st</sup> Place Senior Laureate)

Instrument: Viola

Age: 23

Teachers: Masao Kawasaki & Catharine Carroll

Home: Cincinnati, OH

Credits: 1<sup>st</sup> Place Winner of the Geraldine B. Gee International Viola Competition, 3<sup>rd</sup> prize Clara Baur Scholarship Competition and first prize Ennio Bolonini Scholarship Competition, co-principal viola Kentucky Symphony Orchestra.

Mary Ann Ramos

Instrument: Cello

Age: 21

Teachers: Larry Lesser

Home: Boston, MA

Credits: Soloist with Gateway Festival Orchestra, Alton Symphony, and Kirkwood Symphony. State Winner of the Missouri Music Teacher's Competition and MTNA Competition.

Dorothy White

Instrument: Viola

Age: 23

Teacher: Masao Kawasaki & Catharine Carroll

Home: Cincinnati, OH

Credits: 2<sup>nd</sup> Place winner of the Gee Viola Competition, principal positions in Cincinnati Symphony Youth Orchestra and Cincinnati Junior Strings, member of the Ohio Regional Orchestra.

## Health Insurance Taskforce

In late May, ICSOM will host a meeting of representatives from the AFM, ROPA and the major orchestra managers to continue our investigation into the feasibility of a collectively bargained national health care plan for AFM orchestras. ICSOM/ROPA orchestras might be able to realize significant savings if we consolidated the purchasing and delivery of health benefits under one plan. These savings would come from leveraging the economies of scale available to groups of 2,000 employees and larger. Groups of this size pay significantly lower administration, risk and profit charges than groups of 100–150 employees. In addition, they are typically underwritten with significantly reduced margin, because their claims experience is 100% credible.

Some of the issues to be discussed by the group include regional cost differences; legal, logistical and administrative concerns; and plan design. This taskforce will eventually determine whether a national healthcare plan can be created to provide benefits at cost savings sufficient to warrant participation by ICSOM/ROPA orchestras. We will keep you posted.

## ***A Layperson's Guide to the Duty of Fair Representation or, How to Survive Orchestra Committee Service Len (and Peg) Leibowitz, ICSOM Counsel***

In this holiday season, in addition to the annual overdose of Nutcrackers and Messiahs, there is often the requisite election of the Orchestra Committee and/or the Negotiating Committee. Once elected, the Committee acts as the agent of the union, and therefore all of the rights and obligations of the union apply to the Committee.

Before one embarks on this joyous task, it may be helpful to have some notion of the legal responsibilities involved. Many of those responsibilities are embodied in the legal doctrine known as the Duty of Fair Representation (“DFR”). But first, a disclaimer: the doctrine is complex, intricate, and, despite its sixty-year history, still in flux. This article is merely a brief introduction, some history, and some general descriptions of what DFR is, and what it is not.

### **Legal Standards**

DFR arises not from any statute or legislative mandate but from a uniquely American concept of labor law — the exclusivity of the union’s representation of the bargaining unit. Unlike many European countries, in which various groups of employees in a single bargaining unit may be represented by different unions, when a majority of American employees in an appropriate bargaining unit select a union to represent them, that union has the exclusive right and obligation to represent all members of the unit, whether they voted for this union or not. In 1944, in a case arising under the Railway Labor Act, *Steele v. Louisville & Nashville RR*, the U.S. Supreme Court held that such exclusive representational rights must be exercised in the interest of and on behalf of all those represented by the union “without hostile discrimination, fairly, impartially, and in good faith.”

In 1956, the Supreme Court held that the same Duty of Fair Representation imposed by the Railway Labor Act was also required by the National Labor Relations Act. And, in 1962, the NLRB decided that a violation of DFR also constituted an unfair labor practice as well as a cause of action under federal law. Thus, an employee has the choice of filing a charge with the NLRB or suing in federal court if he/she believes he/she is the victim of a breach of the duty. DFR applies to all aspects of representation, including negotiations, grievance handling, arbitration, etc. An employer who knowingly participates in the breach by the union is also liable for damages.

It should be noted that the union is permitted “a wide range of reasonableness” in the exercise of its judgment on behalf of the unit it represents, “subject always to complete good faith and honesty of purpose” (*Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953)). In that regard, the union is not barred from making decisions and/or agreements which may have unfavorable effects on some members of the bargaining unit, who cannot all have identical interests or equal qualifications. Differences within any group—and certainly orchestras are no exception—are bound to arise, and the complete satisfaction of all who are represented is quite unlikely.

In 1967, the Supreme Court decided the landmark case of *Vaca v. Sipes*, 386 U.S. 171, in which it held that a breach of DFR occurs when the union’s conduct is “arbitrary, discriminatory, or in bad faith.” Notice that those adjectives are set forth in the disjunctive — that is, all three need not be

descriptive of the conduct; one will suffice. But Justice Byron White, writing for the Court, opined that there was no “substantial danger to the individual employee if his statutory agent is given the contractual power honestly and in good faith to settle grievances short of arbitration.” It is this statement, and the holding of the *Ford Motor Co.* case, which results in the conclusion that, although every employee has the right to file a grievance, every grievant does not have the absolute right to have his or her grievance taken to arbitration. Justice White explained that adoption of such a principle would substantially undermine the collective bargaining relationship between the union and the employer, for it would destroy the employer’s confidence in the union’s authority and very likely overburden the arbitration process to the point of rendering it inoperable.

In 1976, the Court decided *Hines v. Anchor Motor Freight*, 424 U.S. 554, in which it held that a breach occurs when the union handles a grievance in a “perfunctory” or “grossly negligent” manner. In that case, the union failed to interview obviously important witnesses who could have substantiated the discharged but innocent grievant’s version of the facts. Thus, not only does the union have the obligation to pursue a meritorious grievance, it must also pursue it with due diligence.

Finally, although there have been a few recent cases which seem to hold otherwise, the weight of authority continues to be that mere negligence (e.g., failing to file a grievance within the time set forth in the contract, or late submission to arbitration, without malice or purposeful intention) does not rise to the level of a breach of the duty. However, in 1979, the Second Circuit Court of Appeals in New York held that “at least in negotiating and implementing a contract, a union may breach the statutory duty by arbitrary or irrational conduct, even in the absence of bad faith or hostility in the form of ill will or common law malice” (*Ryan v. New York Printing Pressman’s Union*, 500 F.2nd 451).

### **Practical Implications**

How can a committee avoid “arbitrary, discriminatory, bad faith,” or perfunctory behavior, so as to protect the Union from DFR liability? Remember, the NLRB or federal court will review the Union’s conduct in grievance handling, arbitration and negotiations and should not second-guess the union on the merits of the grievance or the issue(s) in negotiations. It may be helpful to define these legal standards in plain English. “Arbitrary” means without a rational basis: that is, without reasons. “Discrimination” means unequal treatment of some sort, without a reason, or in violation of a statutory protection.

Thus, committees should be sure that they have legitimate and justifiable reasons for their decisions. Committees should be well-informed about issues in grievances and negotiations by gathering as much information as possible. A thorough investigation of all the facts, and a full discussion by committee members will go a long way towards keeping your decision-making free of DFR liability. Please call, visit, phone, fax or e-mail me with any questions or concerns your committee may have on this subject.

## Backstage Roundup

### Sam Bergman

Items in this column 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 [orchestra-l-subscribe@topica.com](mailto:orchestra-l-subscribe@topica.com). 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*.] All reports in this column were accurate as this issue went to press.

The 2004 Grammy Awards were handed out on March 8, and two ICSOM orchestras earned honors. The **San Francisco Symphony's** self-released recording of Mahler's 3<sup>rd</sup> Symphony and the song cycle *Kindertotenlieder* (Michael Tilson Thomas, conductor) was awarded the Grammy for Best Classical Album, beating out another recording of the same symphony by the Vienna Philharmonic. (The VPO was awarded the prize for Best Orchestral Performance.) And the **Minnesota Orchestra's** world premiere recording of the song cycle *Casa Guidi*, with Frederica von Stade (Eiji Oue, conductor), netted Best Classical Contemporary Composition for composer Dominick Argento.

It was late February when **Chicago Symphony Orchestra** music director Daniel Barenboim announced that he would step down from the post when his contract expires in 2006. Press accounts of the announcement cited rumors of disputes between Barenboim and the CSO's management and board over the "non-artistic" side of his directorship. Barenboim acknowledged in the *Chicago Tribune* that, "with age, I get less interested and less patient with managerial and administrative problems. I have neither the energy nor the time to fulfill [those non-musical responsibilities]." CSO musicians held a meeting to consider a vote on a resolution asking Barenboim to stay, but after discussion, no vote was taken.

North of the border, the musicians of the **Toronto Symphony Orchestra**, which was in dire financial straits as recently as 2001, won an 11% pay raise and a two-week extension of their season in contract negotiations which concluded a full five months before deadline. The raise goes a long way towards restoring the 15% wage cut the musicians suffered in 2001, when the TSO nearly filed for bankruptcy.

In other Canadian news, American conductor Kent Nagano was announced as the new music director of the **Montreal Symphony Orchestra**, replacing Charles Dutoit, who resigned over a year ago amid controversy over his handling of MSO personnel matters.

In February, the **Fort Worth Symphony Orchestra** announced the hiring of 45-year-old Katherine Akos as its new president and CEO, effective April 1. Akos, a violinist and daughter of former **Chicago Symphony Orchestra** assistant concertmaster Francis Akos, had previously been

serving as the chief fundraiser for the Graduate Theological Union in Berkeley. She has also served as a development officer at the San Francisco Conservatory. Akos joins a strong symphonic organization: the FWSO has a \$23 million endowment and finished the 2002-03 season with a surplus of nearly \$300,000.

At least two ICSOM orchestras have responded to financial concerns by asking soloists and conductors to accept a reduction in their usual fees and salaries. The **Minnesota Orchestra** has negotiated a reduction in fees with most of its soloists and conductors scheduled to appear as part of the orchestra's 2004 Sommerfest. Minnesota's summer music director Andrew Litton accepted the first reduction, and encouraged other guests to do the same, as the ensemble struggles to balance its budget for the first time in five years.

The **Philadelphia Orchestra** announced in February that its music director, Christoph Eschenbach, would be taking a 10% pay cut for the coming 2004-05 season, and the orchestra was asking that all its guest conductors and soloists do the same. In addition, Philadelphia board members were asked to increase their annual contributions by 10%, all staff members earning more than \$60,000 per year were asked to take a week of unpaid vacation, and the orchestra's musicians agreed to explore either an individual or collective contribution to the ongoing fundraising effort. In other news from Broad Street, the Annenberg Foundation followed up a \$50 million donation to the Philadelphia Orchestra's endowment with an additional \$15 million gift to the Academy of Music, which is owned by the orchestra and operated by the Kimmel Center for the Performing Arts. The gift will quadruple the size of the Academy's endowment (which is maintained separately from the orchestra's endowment), and while "the orchestra will not benefit directly from the new Academy money, it does give it some financial relief," according to the *Philadelphia Inquirer*. The orchestra's management was relieved enough to vote a 10% pay raise for president Joseph Kluger in March, a move which was sharply questioned by some local writers. Orchestra management pointed out that, even with the rise to \$285,000 per year, Kluger still makes less than half of what several of his counterparts at other orchestras pull down.

The musicians of the **Atlanta Symphony Orchestra** ratified a new three-year agreement on February 21. The settlement, negotiated with the counsel of Susan Martin representing Local 148-462, came six months early, and included deferment of a scheduled raise in the current agreement. Approaching the end of a four year contract which raised pay 25%, a thorough, ongoing examination of financial records and forecasts showed the need for some moderation. The musicians chose to offer the 18-month freeze in return for long-term improvements in pension, seniority, and working conditions. This, along with the institution of a MERP (Medical Expense Reimbursement Plan), also preserved most of the existing health insurance plan without resorting to premium sharing. Plans are also continuing for a new hall in Atlanta, designed by Santiago Calatrava, with acoustics by Kirkegaard & Associates.

## **Playing in the Snow**

**by Sam Bergman, Minnesota Orchestra violist**

*Editor's Note: Throughout the Minnesota Orchestra's recent European tour, I had the opportunity to author an online weblog for ArtsJournal.com providing a behind-the-scenes look at all the preparation, toil, and fun that go into taking a major orchestra on the road. The tour's final concert took place February 26 in Lahti, Finland, a small city which has been the musical home of Minnesota music director Osmo Vänskä for the past two decades. What follows is a compressed version of my account of that concert. The full blog can be found at <http://www.artsjournal.com/roadtrip>.*

There are those who would say that it's foolhardy to schedule back-to-back concerts in Scotland and Finland, that the odds of everything going right with the travel, the cargo, the instrument trunks, the two-hour time change, and the weather are just too slim. These cynics are unquestionably right, and we needed every ounce of good luck we could get today for our concert in Lahti to come off as planned.

We didn't get many ounces. On a day with only one single hour of built-in leeway time, we encountered lengthy security delays while leaving Glasgow, had our plane return to the gate for engine repair shortly after taxiing, stood in line at Finnish customs for more than a half-hour, and were faced with a 100-KM bus ride through a driving snowstorm before finally arriving in Lahti exactly 75 minutes before our 7:30PM concert.

We rolled into the parking lot of Lahti's beautifully constructed lakeside concert hall, the Sibeliusstalo, having somehow worked out a plan to get the show off on time without skipping our scheduled touch-up rehearsal. The hall staff, along with a small army of local print, radio, and television reporters, were waiting for us outside in the snow, pointing the way into a large conference room just off the lobby, where a sumptuous buffet, the first food many of us had seen all day, awaited us. Our advance crew had done yeomen's work, rigging the entire building with the handwritten signs on pink index cards without which we would be lost in the catacombs of every new hall. By my watch, we were now a full hour behind schedule, but no one was complaining.

At 6.55PM, I slipped into my chair just as the tuning A sounded, the first time I had held my instrument since Glasgow, 20 hours earlier. The 15-minute rehearsal had the feel of a beat-the-clock competition, but we managed to hit spots in each of the three pieces on the program: Aaron Jay Kernis's *Color Wheel*; the Tchaikovsky violin concerto with soloist Joshua Bell; and a suite of movements from Prokofiev's *Romeo & Juliet*. Our encores for the evening numbered a mind-boggling five, and we had special reason for wanting to get through all of them. The last encore was a traditional Finnish polka which Osmo had himself arranged just for this tour, and he had told us that, when we played it in Lahti, the audience would go out of their minds.

At 7.28PM, stagehand Dave McKoskey strode through the stage left wing, calling "Onstage, please, ladies and gentlemen! Bergman, you too." I gave him a smirk, and took my place. A minute or two later, the audience settled, a door opened, and Osmo Vänskä strode onto the stage. I'll admit, I expected a bigger crowd reaction to his appearance. But Osmo is no

showman, and this was an audience that had known him for 18 years. They applauded him respectfully and warmly, but there were no whoops or cheers. The applause ceased the moment he turned towards us, and with a vicious stab of the baton, *Color Wheel* was underway.

The Kernis is not an easy way to begin a concert, either for an orchestra or an audience, but we were playing with a fire which I hadn't seen since the first days of the tour, and the audience seemed to trust Osmo enough to come along for the ride. The piece dipped and rolled for 25 minutes before racing to a dead stop on a high glissando in the strings, by which time I could feel beads of sweat rolling down my cheeks.

Next up was the Tchaikovsky, and Josh Bell seemed to have caught some of the excitement as well. When we ripped through the final chord, a chorus of cheers came up from the crowd.

On Josh's third curtain call, a bouquet of flowers followed him out from the wing. This had happened at nearly every tour stop, and we've all seen it a thousand times: a backstage worker, usually a attractive young lady, strides out to present the bouquet, and accepts a peck on the cheek from the soloist. Only in this case, the presenter was a man. Not just a man, but a large, burly gentleman with an aggressive-looking beard and the general air of a weightlifter. Josh, hearing the bouquet approaching, turned for the embrace, saw who he was about to lean into, and just managed to stifle a laugh. He accepted the bouquet graciously, then turned to the viola section to make a face at co-principal Richard Marshall, who was encouraging him to give the guy a kiss.

Back onstage after intermission, the Prokofiev sizzled. It wasn't our cleanest performance of the tour by a long shot, but despite our fatigue, this performance had the air of a football team driving for the goal line with the clock down under two minutes. When Osmo quietly closed his fist behind his chest to signal the final cutoff, I held my breath, waiting for the reaction. There was a full five seconds of silence, and then, the room erupted. The look on Osmo's face was one of pure pride, and he brought us to our feet with a flourish. We stood, looking out into the faces of the people whose conductor we had appropriated, and marveled at what had been accomplished in this city. Twenty years before, Lahti had been a struggling timber town with a decent but small local orchestra playing in a run-down building. Tonight, a major American orchestra stood in one of the world's great concert halls in that same town, stood where the members of the now-internationally-renowned Sinfonia Lahti stand every week, and not a single person on the stage would have wanted to be anywhere else.

After five curtain calls, we made quick work of the first three encores on our list. The audience was clearly happy to see where this unannounced portion of the program was leading, but when the final pizzicato of the Mozkowski *Serenata* sounded, and Osmo walked offstage, someone backstage mistakenly brought the house lights up and the stage lights down, the universal signal for the audience to leave, and the clapping rapidly began to die out. This was the moment when the Minnesota Orchestra did

*(continued on page 8—see SNOW)*

## **Pittsburgh and the Pope** **by Penny Anderson Brill, Pittsburgh Symphony violist**

On January 20, 2004, the Pittsburgh Symphony Orchestra performed at the Vatican for Pope John Paul II and an audience of more than 7,500 people, the first time an American orchestra had ever played at the Vatican for a pope. The program featured Mahler's *Symphony #2 (Resurrection)* as well as the world premiere of John Harbison's choral work *Abraham*, with members of the Mendelssohn Choir of Pittsburgh, the London Philharmonic Choir, the Krakov Philharmonic Choir, and the Ankara (Turkey) Polyphonic Choir. The Knights of Columbus generously provided over \$500,000 for our trip.

The concert was intended to promote the commitment to peaceful co-existence amongst all "children of Abraham," whether Muslim, Christian or Jew. Prominent leaders of all three faiths shared in the musical experience, sitting side by side. What began as a Catholic-based event for the Pope became an event which galvanized a broad spectrum of our community. It was an idea which captured international attention and resonated with thousands of people around the world.

Because of the concert's cultural relevance and symbolic significance, the event received widespread international coverage, with the major networks as well as international TV stations carrying news of or broadcasting the event. The concert even has its own website: <http://www.papal-concert-of-reconciliation.com>.

The Pittsburgh media carried daily stories about us for a week after we returned from Rome. In addition, our local public television station, WQED, carried stories about the trip once a week from the end of January until April, with a 3 ½-hour special entitled "Reports from the Vatican" airing April 7.

I would like to share with you some thoughts of the orchestra members who took part in this historic concert:

"It was an honor to be invited to play such an event. An orchestra such as ours truly represents the very concept of peace that the Pope was trying to convey: our orchestra is made up of a hundred people of very different backgrounds, religions, races and ages all working together." -*bassist Jeff Grubbs*

"I can think of no better way to create advocates for our organization than through this type of event. Clearly this is now a strong connection for many Pittsburghers who may have otherwise never given the orchestra a second thought." -*violinist Jeremy Black*

"I had a lump in my throat and tears in my eyes as we played the ending of the Mahler, imagining what life could be like if the power of the music could overcome the bitterness and hatred of centuries of strife between these religious groups. May peace, shalom and salaam be reached as soon as possible!" -*violinist Linda Fischer*

People who traveled with us felt they had the experience of a lifetime and could not wait to share their experiences with friends back home. Now, we must follow up on this event in order to continue to draw in new people

who have become interested in the PSO as a result of our concert. As violist Paul Silver put it, "The awareness and pride that the city has in us will not generate increased attendance unless it is continuously reinforced." If we continue to find ways of resonating with widely shared concerns of our community, we significantly change the perception of what we do, we are valued in new ways, and we dramatically widen our base of support.



### **Snow**

*(continued from page 7)*

something which would have gotten us ripped to shreds by the press in, say, New York, but which not one of us will ever regret. Knowing how badly Osmo wanted to play the polka for his hometown crowd, we began stamping our feet, exhorting the audience to keep their applause going. The crowd was undoubtedly taken aback, but they were agreeable sorts, and so Osmo took the stage once more, and we raced through encore #4. This time, the applause swelled on its own, and in short order, Osmo reappeared, grinned mischievously at the orchestra, and pointed at principal oboe Basil Reeve, who played what sounds for all the world like a tuning A for the orchestra. Another flip of the baton, and the strings began several bars of what sounds, actually, a lot like tuning—sawing away at open strings—before the first violins crept out of the mass of sound with a rising sixteenth-note line that builds to a climax, and then jumps downward into Osmo's polka.

The audience roared with laughter, and immediately began enthusiastically clapping along in time. In the difficult middle section, the crowd clapped faster, egging us on. And when we reached the last line of the piece, where the music stops dead, and the clarinet plays a soft cuckoo call before the orchestra buries him in a fortissimo resolution, the roomful of Finns hooted and cackled and cheered like nothing we'd ever heard. I must confess, I felt tears come to my eyes as Osmo brought us to our feet, and I was far from the only one.

Orchestras don't often get the chance to really bring a tour to a rousing conclusion—the final concert is usually in just one more randomly selected city, and has little to distinguish it from all the others on the trip. But in Lahti, the energy that was mustered was something I'd never experienced in a professional orchestra, and something I'll never forget. Whether the sheaf of glowing reviews and breathless feature articles we garnered on our trip will translate into renewed success at home, I have no idea. But after three exhilarating weeks on the road, I can say one thing with absolute conviction:

I am a musician in the Minnesota Orchestra. And there is nothing in this world that I'd rather be.

## Detroit

(continued from page 1)

At our third session, ten days later, two major breakthroughs occurred: our President/Executive Director resigned effective immediately, and the board announced that they had decided to raise an additional \$2 million within thirty days, instead of continuing to pursue an increase in our line of credit. The board proposed cuts in the current contract year that were substantially smaller than in their previous proposals. These included lay-off weeks and a reduction in the number of musicians. We made a counterproposal to add a year to the existing agreement with a \$100 weekly increase in scale (5.6%), along with improvements in working conditions. Mr. Nicholson agreed to consider our proposition of adding a “spring-back” or recovery year.

The musicians cancelled our next negotiating session, scheduled for December 19, following word from the board that they would not agree to add

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### **Leibowitz's Principles of Concessionary Bargaining**

- Verifiable need
  - Equal sacrifice
  - Non-economic improvements
  - Commitment to recovery
- 

an additional year to our contract. It was our deeply held conviction that accepting concessions without an eventual return to our traditional place within the top ten salary rank of American orchestras would jeopardize the future of our ensemble.

On December 22, the orchestra began what should have been a two-week paid vacation, with negotiations in limbo. Four days later, Mr. Nicholson sent a letter stating that the DSO would be unable to meet the December 31 payroll, and we immediately filed a grievance. A few days later, we received a mediator's proposal via e-mail which, while not yet formally confirming anything, hinted that the board might be willing to agree to add an additional contract year.

On December 31, the Detroit Symphony Orchestra had the first payless payday in its history. Discussions, mediated by Peter Pastreich, continued by telephone and e-mail, and by January 5 we had reached agreement on all but one issue. The musicians had agreed to temporarily reduce the complement of the orchestra by four for the current season (there being four currently open positions in the string section), gradually returning to our full complement of 96 musicians plus 2 librarians at the beginning of the next contract. However, our agreement was contingent on the drafting of a comprehensive policy regarding the hiring of substitute musicians, to which the board was vehemently opposed. A stalemate ensued, with the board insisting that the agreed-upon changes would be acceptable to the rank-and-file musicians without the policy on substitutes, and our negotiating committee insisting that they would not.

The orchestra returned to work on January 6, although the musicians still had not been paid. An orchestra meeting was held, during which we took the unusual step of distributing a draft of a Memorandum of Agreement, including a detailed description of all of the changes that had been agreed to, as well as the unresolved issue concerning subs. The dispute over what was acceptable to the orchestra was quickly resolved by a unanimous vote

of the musicians rejecting the board's offer. Within a few hours the committee was invited back to the table and, five days later, the orchestra overwhelmingly ratified an agreement which included a comprehensive policy on substitutes.

The details of our settlement are in our settlement bulletin, but in a nutshell, we agreed to 3 layoff weeks this year (a reduction of 5.7% in annual salary), 2 layoff weeks next year (a reduction of 3.8%), and a return to 52 paid weeks with a \$100 weekly increase (5.6%) in the third (added) year, bringing scale to \$1,900 by the end of the contract. Also included in the new agreement are significant improvements in working conditions.

We are extremely grateful to Leonard Leibowitz for his many years of counsel and leadership, and to Peter Pastreich for his assistance and his ability to demonstrate conclusively to our board and management that a declaration of bankruptcy will essentially doom any symphony orchestra. He continues to assist with long-range planning and the search for a new Executive Director. While there are still many obstacles to overcome before our recovery becomes a reality, we are moving in the right direction. We believe that the bold steps taken by our new Chairman, along with the continued assistance of Peter Pastreich, bode well for the future of the Detroit Symphony Orchestra.



## Chairman's Report

(continued from page 2)

The 2004 ICSOM Conference schedule has been set and we will have some very interesting guests. As you have read at the beginning of this report, electronic media is very much at the forefront of the AFM agenda. We will have Patricia Polach of Bredhoff & Kaiser join us to explain digital downloading, SRLA, and anything else you want to know about media issues. We will have a panel of musicians talking about musician involvement in traditionally managerial tasks such as conductor selection, board financial committees, and management hires and dismissals. Members of the panel will include representatives from St. Paul, Detroit, North Carolina and a special presentation from Robert Wagner and Tina Ward on musician involvement in European orchestras. We will also have an entire morning with Paul McCarthy on collective bargaining skills, and a workshop by Len Leibowitz on the Duty of Fair Representation. [Editor's Note: This is also the subject of Len's column in this issue of Senza Sordino.] My thanks to Lynn Rosen for all of her hard work on conference coordination in Salt Lake City. I hope to see all the delegates, as well as any member of any orchestra that wants to come and learn. We welcome you all.

Finally, my congratulations to Brian Rood and Jessica Nance on the birth of their gorgeous baby, Grace Isabel.

## Remembering Lew

*Editor's Note: What follows is a sampling of the tributes to union activist, hellraiser, baseball fan, and longtime ICSOM friend Lew Waldeck, as read at his memorial service earlier this year. Lew's death occurred as the February issue of Senza was going to press, and while we had time to insert a remembrance from Len Leibowitz, the Governing Board agreed that a single article simply could not do justice to Lew's legacy. In the days and weeks following his death, Orchestra-L was swamped with remembrances of Lew from musicians and labor activists nationwide. The orchestral community has lost a truly special friend, but it is clear that his legacy will live on in the hearts and minds of the thousands of musicians whose lives he touched. Senza Sordino wishes to thank AFM negotiator Nathan Kahn for providing the text of these tributes.*

### **ICSOM Secretary Laura Ross:**

When I heard that Lew had passed away, it was at the end of a really bad day. After a few moments to reflect on what Lew meant to me and to our industry, I wrote a tribute to him on ICSOM's online service, Orchestra-L. Erika [Lew's daughter] has asked that I read it to you.

A great giant in the industry has departed.

Lew Waldeck was our mentor, our friend, our greatest defender and our father. He taught us how to stand up for our rights, to learn how to outthink those guys across the table who thought they were smarter than us (they weren't.) He taught us how to take care of ourselves, and to show that our actions had consequences good and bad, depending upon how we took care of business. For the rest of my life there will always be those "pearls of wisdom" he would impart that will remain with me—"an orchestra gets the committee it deserves" and my personal favorite, "if you have to know now, the answer is *NO*."

He was the ultimate character in his Hawaiian shirts, with his tales of his days in the New York City Opera pit.

The last time I saw him was at our Carnegie Hall concert in 2000 when he came to hear "his kids" play. He was one of the main reasons that I became an orchestra advocate and I am forever grateful for all he did for our industry. He made us what we are today.

Lew has departed us, but for all of us, his children, we are the great legacy he has left behind.

In many ways I am envious of those who had closer relationships with Lew than me. Yet after reading comments by other orchestra leaders, I realize how lucky I was, because I *had* the privilege of knowing Lew, as a mentor and as a friend. My connection with Lew was not from ICSOM, though in many ways ICSOM was responsible for Lew's presence in our lives as orchestra musicians. ICSOM saw the great need for assistance at the Federation level to help advise and teach symphonic musicians to take charge of their lives and to learn how to be savvy negotiators and committee members. No one but Lew could have fit that bill and I am forever grateful for his knowledge, good nature and love.

My first glimpse of Lew was at a meeting with the Nashville Symphony in 1985 while we were on strike. Lew helped us negotiate a contract that allowed us to move away from metropolitan orchestra status to a regional

professional orchestra. He was there with his "Dog and Pony" workshop in 1987 and to hold our hand in 1988 when things went so badly that our orchestra filed for bankruptcy. But the real Lew I finally got to see was that summer of 1988 at the ROPA conference in Nashville. I was hooked. It was like sitting at the foot of the Buddha waiting for the "pearls of wisdom" to be imparted.

Here was this big man with a Hawaiian shirt and scruffy beard talking about how to run committees and then *showing us how*. Lew's greatest gift was his dynamic ability to teach. Each year from 1988 until his retirement, I looked forward to the best part of each conference—the workshops by Lew Waldeck. One of my favorite memories was a mock orchestra committee meeting set up by Lew. Management had told the orchestra committee that if they didn't accept an immediate cut in salary, they would file for bankruptcy, even though the contract had over a year to go before expiration. Our "committee" met over lunch to prepare, and when we had to report to the "orchestra," we told them all we had already done—gotten financials from management to prove their reasoning, contacted SSD, contacted the Local, etc. When we were done, Lew was beaming because we'd done everything right – just as he'd taught us. We were thrilled.

Nothing ever made me prouder than to see his pleasure. Those of us who knew him in this capacity were forever grateful not only for his knowledge freely given, but for his work training those who would come after him. Nothing brings a smile to my face faster than hearing Nathan standing in the back of a room answer that what an orchestra has is "*POWAH*" just like Lew would have said it.

So many of the people I hold most dear as friends and colleagues were directly influenced by Lew, and we were so lucky. Indirectly, Lew's influence is seen everywhere in our industry today. He will not be forgotten. This summer's ICSOM conference will be dedicated to his memory, and already discussions are in progress to find a fitting way to permanently memorialize Lew Waldeck's contributions to symphonic musicians throughout the United States and Canada.

### **Former SSD staffperson Wayne King:**

I first met Lew Waldeck in 1985. He was looking for someone to computerize the AFM Symphony Dept. using the then-new IBM PC. He asked Barry Kornfeld to announce this at a computer club that met at Local 802, and I applied for the job. Until then, computers had been a hobby with me and I had had no formal computer training. As he told me much later, he was more impressed with me than those he'd interviewed with computer degrees (and the attitude to go with them.) Lew was more impressed by who you were and what he sensed you were capable of.

I worked with Lew for years, and he was not just my boss: he was a good friend. As a strong supporter of the labor movement, I was very much in tune with Lew's belief that the musicians' union was there to serve the needs of the musicians. He told me once that when he started working for the union, he was told he had to wear a tie. He expected a union to have a blue collar attitude, and he proceeded to go out and buy a pound of ties from a thrift store. For years the "ugly tie collection" hung in his office. After he retired, I was given custody of the tie collection and still have it.

## Remembering Lew

*(continued from page 10)*

In 1992 I was allowed to move to Colorado Springs to work from the Symphony Department satellite office there. I learned years later that Lew had actually put his job on the line in insisting that I be allowed to do this. I am grateful to him for making it possible for me to turn my hobby into a career and for this amazing thing he did so that I could move to Colorado—a move that has been very good for my life. I am also grateful just to have known him.

There's much I'd like to say, but no time. I will only say that Lew was a wonderful, warm and caring person. He had a big presence and it's hard to imagine that he can be gone. I will miss him.

### *Linda Patterson, former Supervisor, AFM SSD (Canada):*

I first met Lew when he came to Naples, Florida, where I was playing in the orchestra. I was Orchestra Committee/Organizing Committee Chair, and Lew had come to help us become AFM-certified. What I learned about Lew in Naples (who until then was known to me by reputation only) was why he was then a living legend, and precisely why he now will never be forgotten. He not only gave us the support that we needed to continue on our path of organizational work, but actually got right in there with us to physically *do* the work necessary. I remember the committee meeting in my apartment, and Lew collating the paperwork to be passed out to the orchestra members. I learned then that great leaders such as Lew are in the trenches. I learned that great leaders such as Lew care about the welfare of other living creatures as much or more than their own well-being.

And I learned that Lew had a heart of gold—a heart for the people. My wish and belief is that Lew will always live in our hearts and minds, always remembered as a warm and caring individual who made a difference in the lives of thousands of people.

### *Nathan Kahn, Negotiator, AFM Symphonic Services Division*

*"And then there are the sane and well-adjusted like you and I."*

That was the punch line in Lew's "Dog and Pony" show when he would describe the various constituencies that make up an orchestra, which included:

- Principal players
- Tutti players
- Older players
- Younger players
- People who constantly want to debate "principle"
- Those who want to avoid conflict at any cost
- Those who want conflict at any cost

Lew taught that understanding and accepting the various constituencies in an orchestra was one of the first steps in organizing an orchestra toward achieving its common goals. His understanding of group human behavior was deep, but it was always laced with a gentle sense of humor.

I first met Lew at the first ROPA Conference in 1984 in Columbus, Ohio. All of us who were in attendance hungered for knowledge and the skills for gaining some control over our lives in our workplace, educating our colleagues, our local unions, etc. He reminded us of childhood stories like

"The Little Engine that Could"; how everyone putting aside their differences, pulling together and working for the common good got the little train over the mountain top. That was collective action, a principle that was not necessarily indigenous to our American culture. We all left that conference with Lew's incredible energy and optimism.

Lew trained and inspired several generations of symphony orchestra activists across this country during his 13 years as director of the AFM Symphonic Services Division. He did this through hundreds of presentations of his "Dog and Pony Show" to orchestras across the country, as chief negotiator for hundreds of contract negotiations, and in trouble-shooting orchestra relationship problems as committees, locals, and musicians sought to overcome their differences. If you called for Lew, the answer was usually "he's on the phone or on a plane," but he always got back to you.

He introduced and brought to our negotiation processes an intellect and sophistication that is perhaps without parallel in other unions. Beyond "**POWAH!**" was detailed professional analysis of orchestra finances, networks with labor, community or anyone who could further the cause of the musicians, sophisticated political and public relations campaigns, etc. I remember reading comments from an orchestra manager who feared the musicians bringing in Lew Waldeck—not so much for fear of a strike, but because of fear of the level of preparation and sophistication Lew, the committee and the union brought to the negotiations.

While I think we all have our favorite Waldeck sayings, perhaps the one that had the most impact on me was that "when unions become paternalistic to their members, they are no better than their managements who do likewise." Over the years there were numerous contract settlements and decisions of membership, which Lew strongly disagreed with, but supported nonetheless, because that is what the membership wanted. The principles of union democracy were at the core of everything Lew did and believed in. While others sought to avoid controversy and debate, Lew welcomed and encouraged it. A union where all points of view are considered is a union that serves its membership.

To have worked for Lew Waldeck was an unparalleled honor and inspiration in my life. Not a day goes by where some saying or philosophy of Lew doesn't guide me through some professional or personal difficulty.

What is so unfortunate is the number of symphony musicians today who never knew Lew, or if they did, may have forgotten lessons learned from him. We must take whatever steps necessary to keep the legacy of Lew Waldeck alive, and pass it on to future symphonic generations.

I am remembering you, Lew, with tears, laughter, and undying gratitude for all that have done for our profession, and for myself personally. You mobilized and advanced the symphonic workplace in a manner such that it was to the amazement and envy of all in the labor movement. You gave me the chance to work in the field that I so deeply believed in, challenged and inspired me in all the work that I did with you, and had faith in me, even on those occasions when I lost faith in myself.

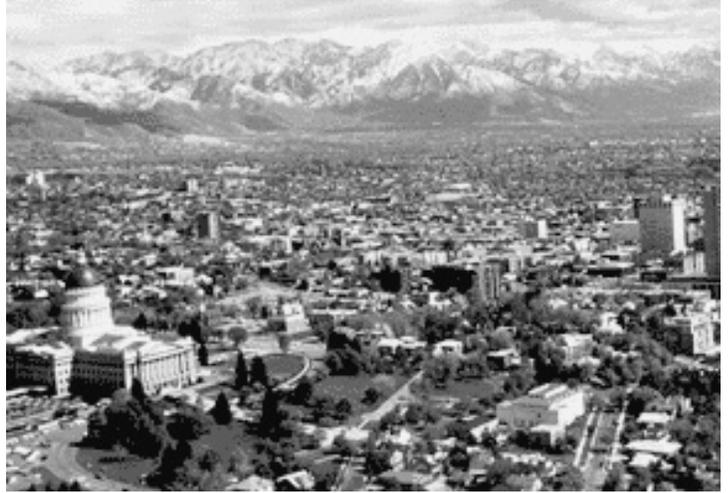
As you used to say, Lew, "If you have to know now, the answer is ~~No!~~ **YES!**" Yes, we love you, yes, we miss you very much, and yes, we will never forget you.

## Conference Reminder

*The 2004 ICSOM Conference will be held from August 18 to August 21 at the Wyndham Salt Lake City in Salt Lake City, Utah.*

*Rooms will be available at the conference rate of \$85 single/double and \$95 triple/quad from Monday, August 16 through Monday, August 23.*

*The 2004 Conference will be dedicated to the memory of Lew Waldeck, former tubist and ICSOM delegate with the New York City Opera Orchestra and Director Emeritus of the Symphonic Services Division of the AFM.*



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## Taking the Music to the People

by Jennifer Cline, National Symphony

When I first joined the National Symphony Orchestra, one of my first questions was where we were going on my first tour. I don't remember quite what I was expecting, but I genuinely thought I had heard wrong when the reply was Montana and Wyoming. Sure enough, those were the only places the orchestra traveled that year, but my initial disappointment over not being whisked away to the great musical capitals of Europe, or even to Carnegie Hall, was quickly forgotten once my American Residency experience began. Since the program's inception, the NSO has visited Maine, Louisiana, Alaska, Montana, Wyoming, Arizona, Alabama, Mississippi, Vermont, Oklahoma, South Dakota, North Dakota, and Tennessee. Already, considerations are underway for next year's adventure, as the hundreds of pieces of the jigsaw puzzle begin to come together.

The major events of all our residencies are full orchestra concerts, just like any other tour. (These concerts occur as often in high school gymnasiums or college auditoriums as in beautiful halls in larger cities, however, and the full orchestra concerts are frequently educational shows in the morning.) But, unlike other tours, these events are just the beginning. The vast majority of our activities across any given state involve smaller groups reaching places and people that the whole orchestra could not possibly get to, for a total of well over a hundred events over the course of the residency.

There are several categories of community outreach that occur in a typical NSO residency. There are formal chamber music concerts and in-school ensembles doing the same type of outreach the orchestra does as a whole, but in smaller ways. There are clinics, master classes, and coachings with individual members of the symphony. There are lectures, panels, Alexander Technique classes, and often a few "artistic exchanges," which feature local groups of alternate musical styles sitting down with a few inquisitive classical musicians and just seeing what happens. Anything creative that anyone can think of to bring together NSO members and interested community members is fair game.

For the NSO members, all this brings an interesting freedom of opportunity. It's a chance to play a chamber concert more than once after all that rehearsing, or to play a sonata that might be part of an upcoming recital. It's a chance to work with colleagues and friends with whom you don't ordinarily perform, and to play pieces that it might be hard to find the time to work through for a concert at home. For instance, the four of us that joined the orchestra in that Montana year somehow came up with a program for violin, viola, and two basses. We even coerced a colleague who is a wonderful composer into arranging the state song for that ensemble as an encore.

Often, the activities that end up being the most rewarding are a bit challenging and unexpected. Groups visit hospitals and schools for the deaf and mentally challenged. There are visits to extremely rural communities, and the resulting experience is as much an exchange of knowledge of lifestyle and the human condition from them to us as of musical knowledge from us to them. And then there are the receptions, everywhere and all the time, whether extravagant gestures of Southern hospitality or simple heartfelt presentations of milk and cookies after a concert for kindergartners. In general, we gain a depth of access to the people and culture of a state in ways one never could if merely visiting for a vacation or touring the major cities.

One of the aspects of the American Residencies that is most appreciated by the NSO musicians is the chance, but not the obligation, to participate in these outreach activities. You can be as busy or as free as you want, with the obvious exception of the full orchestra concerts. There are musicians who have several musical obligations every day, and there are others that you never see except at concerts, and the colleagues you never see are often the ones that look forward to the residencies the most.

Every different destination has its own attractions. There was the special bus trip to Glacier National Park for the orchestra before the park was even open to the public for the season. There was the trip to Graceland this April. South Dakota was a haven for the die-hard campers of the orchestra, even when it was well below zero. If the weather is nice, you can't find the golfers from the orchestra unless you're on the golf course yourself, and the tennis courts of every local university are always commandeered if the musicians that are aficionados can possibly arrange it. Amidst all this, in almost every town, there are unexpected old school friends in hotel lobbies or backstage, catching up with one orchestra member or another.

Of course, you don't know which friends might turn up until you know what the next state will be. The criteria for choosing a state are so diverse

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## Chairperson's Report

Jan Gippo



These last few months have proven to be quite exciting, and have been very positive for ICSOM and for symphony musicians in general. On May 24, the AFM and the management side of the Health Committee met in Chicago. For the first time, the two sides have agreed to begin looking at the feasibility of a national health plan for orchestras. I spoke with the International Executive Board of the AFM and reported on the meeting. They agreed that, if the survey looks promising, they would help fund the official feasibility study needed to determine the true cost and savings of a national plan. Obviously, for such a plan to be successful, it must meet the needs of all orchestra musicians and managements, so we are proceeding quite carefully. [Editor's Note: for much more on this subject, see Brian Rood's President's Report on the next page.]

June 7 found me in New York at the Futures Subcommittee meeting, where we discussed our proposals for improving the operations and service of the AFM. Later in the month the entire Futures Committee will see all the proposals and will then make recommendations to the IEB. I believe some of the proposals are very creative and will improve the overall administration of bylaws and services.

From June 8–10, I and several other members of the ICSOM Governing Board were in Pittsburgh for the annual convention of the American Symphony Orchestra League (ASOL). ICSOM and ROPA were both given time to address the entire convention, an audience of some four thousand people. I was then involved in a panel discussion focusing on The Saint Paul Chamber Orchestra's new contract. SPCO Executive Director Bruce Coppock and board chairman Lowell Noteboom were there, as was SPCO violinist Tom Kornacker. They made a PowerPoint presentation on the first year of the now-famous contract, and the panel asked questions specific to the concerns that various members of the orchestral community have about some of the provisions. Questions focused on how the no-music-director system will work, and whether guest conductors will agree to perform under those conditions. Questions about musicians' "duty of fair representation" were asked, and Bruce and Tom responded by laying out the relevant provisions in the contract and the general understanding that guides the process. As you will read below, the 2004 ICSOM Conference will also be exploring this issue.

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As you might have read on Media-L, a new ruling by the SoundExchange Governing Board, which collects license fees from satellite radio services and cable music channels, among other digital broadcasters, has established that orchestra musicians, not their employers, are entitled to "featured performer" royalties. This marks the first time in history that orchestral musicians will get royalty money for the work that they do. Our thanks to Patricia Polach of Bredhoff and Kaiser, who was the lead attorney in the case, and to George Cohen, AFM General Counsel, for their hard work and convincing arguments. The panel that listened to the case voted 18–0 in favor of musicians. A great victory!

The 2004 ICSOM Conference looks to be one of the most informative meetings in our organizational history. There will be a panel discussion on musicians' roles in orchestra governance. This panel will include members of The Saint Paul Chamber Orchestra, two musicians who have studied European orchestras and have some conclusions to share, and three musicians who have had struggles and successes in their

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

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

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New York Philharmonic  
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Oregon Symphony Orchestra  
Philadelphia Orchestra  
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## President's Report

Brian Rood



2004 is proving to be a particularly challenging year for many ICSOM orchestras. Alabama, Atlanta, Baltimore, Chicago, Chicago Lyric, Charlotte, Cincinnati, Cleveland, Colorado, Columbus, Dallas, Detroit, Florida, Honolulu, Jacksonville, Kansas City, Minnesota, National, New York Philharmonic, Philadelphia, Puerto Rico, Rochester, San Francisco Ballet, San Francisco Opera, Utah, and Virginia are either negotiating new contracts or have recently

concluded negotiations. While plans for a much-reduced 2004-05 season are underway in San Antonio, our colleagues in the Florida Philharmonic have been devastated by the lack of progress there. According to ICSOM delegate Jay Bertolet, roughly one-third of the musicians have left the area to pursue other jobs in and out of the orchestra business, one-third have remained but are looking for work in a different field, and one-third are trying to eke out a living by freelancing and teaching. The demise of the Florida Philharmonic is even more difficult to understand when one considers that Miami-Ft. Lauderdale is currently the 12th-largest metropolitan area in the United States and still growing.

Typically, the onset of a major negotiation cycle ushers in the usual talk of deficits, declining available resources and, ultimately, questions about the role of the union. What is particularly disturbing this time around, however, is the increased clamor to undermine our collectively bargaining ability. Allegations that "the union" is to blame for our orchestras' problems are unfair at best, and deliberately misleading at worst.

The *Oxford English Dictionary* defines the word "union" as "the action or fact of uniting or being united" and "a club, society, or association formed by people with a common interest or purpose, especially a trade union." ICSOM is organized and operates exclusively for the promotion of the welfare and betterment of the orchestral performer. To this end, ICSOM represents, promotes, protects and advocates for the interests of orchestras and their future, current, and retired musicians.

Musicians are being asked with disturbing regularity, both informally and at the negotiating table, "Why do you need the union anymore?" and "Wouldn't you be better off without the union?" Our boards, executive directors, and sometimes we musicians need to keep in mind that the "union" is the working musicians of our 52 orchestras. To imply that "the union is the trouble" and "an impediment to the survival of our orchestras" is to insult each and every ICSOM musician that has chosen an orchestral career as their vocation and attempts to make a livable wage doing so. It is worth repeating a point stated before: the standard of living we enjoy now is due largely to the extraordinary solidarity of our colleagues during the past forty years. They were successful not only because of their passion and commitment, but because they understood that true power is possible through collective action, that an orchestra that stands united is an exponentially more powerful and successful force to be reckoned with than one divided.

(continued on page 4—see PRESIDENT'S REPORT)

## Treasurer's Report

Michael Moore



As the fiscal year draws to a close, we can see the good that the recent dues increase has provided.

Dues collection was up enough for us to increase the Emergency Reserve Fund and still meet all of our obligations. One orchestra paid the ERF back \$5,000, and another borrowed \$10,000. The combination of all this activity, plus interest earned, gives us \$230,476 to work with. An orchestra with an acute need may borrow up to 15% of this amount, currently expected to be \$34,571 (exact amount calculated as of July 1). As the current loan is repaid and another \$8,146 (\$2 per capita) is deposited next year, the maximum loan amount should be approximately \$37,293. That extra \$2,722 could keep a musician from losing his home.

The major remaining big-ticket items that will need to be paid for before next year's dues start coming in are the annual conference (\$23,892 in 2003) and the directory (\$14,513).

As you can read in the other officers' reports, ICSOM has been especially proactive this year in numerous critical areas. To that end, ICSOM has spent \$32,119 on travel so far this fiscal year (with one month to go), up some \$4,000 from last year.

The balances as of June 5 of all our accounts are as follows:

AG Edwards Emergency Relief Fund (ERF)	\$230,476.73
AG Edwards General (ready reserves)	\$67,022.70
AG Edwards Mendolson (Sphinx scholarship endowment)	\$30,747.53
Chairman's SouthTrust account	\$3,276.21
Secretary's SouthTrust account	\$2,114.70
Senza Sordino account	\$5,395.20
SouthTrust General account (main working account)	\$33,243.53
<b>Total of all accounts:</b>	<b>\$372,276.60</b>

A complete and detailed Treasurer's Report for the fiscal year ending June 30 will be available at the Salt Lake City Conference.

## Chairperson's Report

(continued from page 2)

own orchestras. We have invited Bruce Coppock to a panel discussion of the SPCO contract, and Lowell Noteboom and Lenny Leibowitz will debate the legalities surrounding the contract. The conference will also feature a workshop with Paul McCarthy on collective bargaining skills, and Lenny will elaborate on his column in the previous issue of *Senza Sordino* on orchestra committee service and the duty of fair representation. Another discussion sure to hit some hot button issues will be entitled *Countering the Structural Deficit Argument*, led by Governing Board member-at-large Richard Levine of the San Diego Symphony.

I look forward to seeing as many of you as possible in Salt Lake City!

## Secretary's Report

Laura Ross



As I write this article, summer is nearly upon us and settlement information is trickling in as many ICSOM orchestras negotiate and ratify their agreements. This year there have been some orchestras which reached a tentative settlement months ago, but only recently ratified the final contract language. There are many negotiations occurring in the next few months, and I wish all those hard-working negotiating committees the best of luck. I look forward to receiving your settlement information in the upcoming months, especially since I seem to have more than my usual amount of free time this summer, thanks to two ruptured disks in my neck and a pinched nerve in my right arm. Even as I recover from surgery and attempt to play again, life goes on at a very rapid pace.

In my dual role as ICSOM Secretary and as a convention delegate for my local, I attend a number of meetings. In late March, I was invited as a local officer to attend the AFM's advanced officer education conference. It was very informative and included a look at the history of the AFM, the labor movement, changes to the arts and entertainment industries, and the rise of rank-and-file participation. A number of other participants at this conference also serve in dual capacities as player conference and local officers.

To digress for a moment, I'd like to reinforce the importance of knowing what is going on in your local by serving on the executive board and, even more importantly, as a convention delegate. Some AFM members were unhappy with the outcome of last summer's AFM convention, when dues and assessments were increased. Many people don't seem to understand how important the bi-annual convention is. It is where all decisions affecting the bylaws and dues are made. It is not the International Executive Board (IEB) who make these decisions, it is delegates from across the U.S. and Canada. Bylaw changes can be submitted for consideration before each convention by any AFM member in good standing, not just the IEB. Had there been more symphony, recording and theater musicians serving as convention delegates, the outcome might have been different. I would encourage everyone to consider running for local positions.

In early June, members of the Governing Board met in Pittsburgh with members of the Mellon-sponsored "Elephant Taskforce" to discuss that group's work on the business strategies of American orchestras. Brian Rood and Henry Peyrebrune have been serving on the taskforce as representatives of their respective orchestras' musicians. In mid-June, I attended the Southern Conference of Locals in Ft. Lauderdale as my local's convention delegate. Every local is required to belong to a Locals Conference, which meets once a year (similar to an abbreviated version of our ICSOM conference.)

Recently, my main focus has been preparing the conference mailing for the delegates, additional orchestra members, AFM officers and staff, and guests who will make their way to Salt Lake City this August. It's a pretty daunting task putting together a conference, especially since Tom Hall, our esteemed conference coordinator for many years, is handing the reins over

(continued on page 8—see SECRETARY'S REPORT)

## President's Report

(continued from page 3)

### Healthcare Taskforce

On May 24, ICSOM hosted a meeting at the Sofitel O'Hare in Chicago to discuss a national healthcare plan for ICSOM/ROPA orchestras. Despite heavy rains and nearby tornados on Sunday night, all of the participants arrived safely for the meeting. This taskforce was a reconstitution of the partnership established in 2002 between the major managers, AFM, ICSOM, and ROPA. Union participants included AFM President Tom Lee, AFM Secretary-Treasurer Florence Nelson, IEB Member and Chicago Local President Ed Ward, ICSOM Chairman Jan Gippo, ROPA President Barbara Zmich, ROPA Member-at-Large Barb Downs, AFM Counsel Anne Mayerson, ICSOM Counsel Leonard Leibowitz, and myself. Representatives for the major managers included San Francisco Symphony Executive Director Brent Assink, Pittsburgh Symphony Executive Director Larry Tamburri, Atlanta Symphony General Manager John Sparrows, North Carolina Executive Director David Worters, as well as Judy Elders from the St. Louis Symphony, Jim Robinson from the San Francisco Symphony and Peg Zaminda from the Philadelphia Orchestra.

Consultants from the Mercer Human Resource Group, based out of Boston and Washington D.C., gave a detailed presentation on marketplace trends, and showed that health care costs are projected to rise 13.7% nationally for 2004. Their projections also indicated that increases in health care would likely continue at this rate for the next two to three years. If so, the gross costs of our orchestras' individual health care plans will likely double in approximately 5-6 years. Such sobering projections did not come as a surprise to the group assembled.

Much of our discussion focused on possible potential savings, the pros and cons of a self-insured plan versus a fully insured one, regional cost differences, and legal hurdles. Such legal hurdles include the Employee Retirement Income Security Act (ERISA) as well as state regulations that cover plans with unrelated employers—known as "multiple employer welfare arrangements" or MEWAs. There are, however, arrangements meeting specific federal standards for collectively bargained plans that would be exempt from MEWA laws. The key words here are "collectively bargained": 75% of all participants in such a plan must be covered by the collective bargaining agreements establishing the plan in order to be provided an exemption to MEWA rules.

The consensus of the taskforce assembled in Chicago was that the best possibility for a national health care plan would be a self-funded plan exempt from MEWA laws. The "fly in the ointment," however, is that such a plan would need to include coverage for both musicians and the staff in our orchestras in order to make fiscal sense. When factoring in staff, who do not collectively bargain, early estimates indicate that we may have only 60% union participants, and a 75% minimum is needed. It was agreed that a more thorough and comprehensive analysis of union and non-union employee numbers was needed before a decision could be reached to jointly undertake a feasibility study. A subcommittee was formed to carry out this analysis in a timely manner. The findings and any future recommendations will be reported during the ICSOM Conference in August as well as in upcoming issues of *Senza Sordino*.

(continued on page 5—see PRESIDENT'S REPORT)

## **How to Hire a Boss** **by Bruce Ridge, North Carolina Symphony**

The North Carolina Symphony's three-year international music director search came to a successful conclusion in January with the announcement that Grant Llewellyn, who is also artistic director of Boston's Handel & Haydn Society, would become the fifth music director in the orchestra's 72-year history.

The announcement followed what was designed to be the most inclusive search that could be run by a symphony orchestra. All of the constituencies involved in our orchestra had a voice in this process, including the musicians, the staff, the board, and our audiences. We believe that this process and its result has the entire community involved with and excited about the future of our orchestra. The press has been supportive throughout the entire search, and our announcement was carried in newspapers from Kansas City to Wales, with unprecedented coverage for the orchestra locally in all of the region's major papers and on numerous web sites.

Our process began with a clause, negotiated into our contract, describing the structure of a search committee. The eight-member committee would be comprised of four representatives from the management and board and four musicians from the orchestra. The four musicians would be elected by a secret ballot vote of the orchestra, and the chair of the committee would be appointed by the Society's board chairperson.

Robert Doherty, our board chair at the time, asked me to chair the search committee in the summer of 2001. We believe that this marked just the second time that a musician from within the orchestra has chaired such a search in an ICSOM orchestra, San Antonio having been the first.

The eight-member committee (consisting of musicians Robert Anderson, Michael Cyzewski, Elizabeth Lunsford, and myself, as well as President and CEO David Chambless Worters, General Manager Scott Freck, Board member Edward Woolner, and Chancellor James Moeser of the University of North Carolina at Chapel Hill) then embarked on a thorough research process. The research began after we created a profile of the person we were hoping to find. This profile was developed by surveying the orchestra, the staff, and the board, and by soliciting audience suggestions. We investigated well over 200 conductors, gradually narrowing the field to a group of twelve who would be invited to appear in Meymandi Concert Hall in Raleigh. We established one rule: that we would need to see a conductor at least twice before we made a decision.

With input from everyone involved with the organization, from musician surveys to audience responses, we arrived at a list of four finalists, but after Maestro Llewellyn's return appearance in November of 2003, it was clear to us that we had found our next music director. The Board unanimously accepted the equally unanimous recommendation of the search committee, and Mr. Llewellyn's appointment was announced to much acclaim throughout the region.

A remarkable level of open communication existed between all of these constituencies throughout the search process. Our management was always open to the involvement of the musicians, and the relationship

between the orchestra and the board has been strengthened in a very authentic way. We all believe that this strengthened relationship will help the organization achieve its shared goals for the future, both in artistic achievement and community service.

The North Carolina Symphony is a unique orchestra in the sense that we serve a large community throughout a large state. As we travel around this community, we are always introduced as "Your North Carolina Symphony." Our audiences feel a sense of ownership, and there is a renewed excitement about their orchestra these days. This announcement follows the opening of our beautiful new home, Meymandi Concert Hall, and the Regency Park Amphitheatre, which serves as our home for Summerfest. With a unified and strong group of musicians, an ambitious management, and now with our new music director, we are all looking forward to a very exciting time for the North Carolina Symphony.

*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.

### **President's Report**

*(continued from page 4)*

### **Governing Board Moves**

On a personal note, I would like to extend my deepest appreciation to two Governing Board members stepping down after the ICSOM Conference. Member-at-Large Paul Ganson is retiring from the Detroit Symphony after many years of music making and dedicated committee service. Paul's gentle charm, grace, sage wisdom, and warm demeanor will be greatly missed. Current and future musicians have Paul to thank for, amongst other things, leading efforts to save Detroit's Orchestra Hall from the wrecking ball and making it the home of the DSO again.

*Senza Sordino* Editor Sam Bergman has continued the long tradition of exemplary journalistic prowess we have come to expect from the newsletter, while adding his personal touch to great effect. Sam's extensive knowledge of the issues we all face, as well as his thoughtfulness, candor, and teamwork, will be greatly missed.

Best wishes for a happy and safe summer. I look forward to seeing many of you in Salt Lake City at the ICSOM Conference.

## Backstage Roundup

### Sam Bergman

*Items in this column are culled from a variety of media sources, and expanded with the input and assistance of ICSOM delegates from around the country. All reports in this column were accurate as this issue went to press.*

In recent weeks, the music directors of two major ICSOM orchestras had their contracts extended, under very different circumstances. Lorin Maazel received a two-year extension on his original deal with the **New York Philharmonic**, which will keep him in the Big Apple through the 2008–09 season. The extension came only a few months after the Philharmonic musicians had officially communicated to the board their satisfaction with having Maazel, who has absorbed more than a few shots from the local media, at the helm. The public announcement of the extension was somewhat diluted by a simultaneous announcement that three guest conductors—Alan Gilbert, David Robertson, and Riccardo Muti—have each been signed to conduct several weeks per season over the next three years. The press reaction to the two-pronged announcement was to characterize the guest conductors as competitors in a three-man contest to succeed Maazel in 2009. Officials at the Philharmonic contradicted that interpretation, but *New York Times* critic Anthony Tommassini wrote that the announcement “looks like a public relations move dressed up as an artistic policy.” ICSOM delegate Ken Mirkin tells *Senza* that while Gilbert and Robertson are clearly conductors whom one would expect to be on the Phil’s short list when the time comes to search for a new music director, and Muti is a conductor who is always welcome in New York, “it would be a bit premature to characterize this as a horse race.”

Meanwhile, the musicians of the **Philadelphia Orchestra** were surprised to learn in June that music director Christoph Eschenbach had also received a two-year contract extension, which will take him through the 2007–08 season, without any opportunity for musician input into the decision. Orchestra board chairman Richard Smoot reportedly offered the extension without consulting either the musicians or the full board, prompting a letter of protest from the musicians stating that they are “deeply disappointed and disturbed to receive your announcement...As the renewal of the Music Director’s contract did not need to be acted upon until August 31, 2004, there was no need to act without full consultation. This is no small matter. As the professionals creating the music every day, we should be involved in such important decisions about the artistic leadership and direction of the institution.”

Only two years removed from fiscal crisis, the **Saint Louis Symphony Orchestra** met the fundraising targets for a \$40 million challenge grant six months early, and boosted its endowment to \$90 million. More than 10,000 pledges were made to the challenge campaign in 54 months, according to the *St. Louis Business Journal*. The orchestra isn’t planning to stop there, either, saying that a \$150 million endowment is necessary to secure the future of the ensemble at its current high level.

The upcoming opening of the new Jay Pritzker Pavilion is already paying big dividends for the **Grant Park Symphony Orchestra**. The festival has doubled its membership from last summer, and has actually had to stop

accepting membership applications temporarily, until the transition to the new facility is complete in late July. The new facility seats 4,000, a jump of 2,500 from the old Harris Theater, and 3,100 members are already signed up for the 2004 season.

**New York City Opera’s** bid to move to Ground Zero was denied in June by New York officials. The company had hoped to anchor the group of arts organizations which will be headquartered at the new complex being planned for the World Trade Center site, but city and state leaders chose several smaller organizations to be the main tenants instead. NYC Opera is continuing to search for a new home after decades at Lincoln Center.

The **New Jersey Symphony Orchestra** unexpectedly found itself at the center of a legal firestorm in late April, when philanthropist Herbert Axelrod, who had sold the NJSO a large collection of old Italian instruments at a significant discount in 2003, fled the country to evade a host of tax evasion charges. Orchestra officials cooperated fully with the FBI, and law enforcement made it clear that the NJSO was not a target of the investigation. However, several members of the Senate Finance Committee have reacted to the charges by questioning the way in which donors report the value of their gifts to cultural institutions. The instruments sold to the NJSO for \$18 million had been valued at \$50 million by the Smithsonian Institution, allowing Axelrod to take a \$32 million tax break. Axelrod was eventually arrested in mid-June on a fugitive warrant by German police, and will be extradited to the U.S. for trial.

In early June, the **Buffalo Philharmonic Orchestra** made a triumphant return to Carnegie Hall under music director Joanne Falletta. The trip was a pet project of orchestra CEO Larry Ribits, who accompanied the ensemble to New York City, and hosted a party for the musicians after the performance. But only days after the orchestra returned home, Ribits was apparently fired by the Philharmonic’s board leadership. The official word from the board was that Ribits had resigned for personal reasons, but Mark Jones, president of AFM Local 92, has publicly questioned that stance in the *Buffalo News*, pointing out that Ribits left with only days remaining in the BPO’s season. According to sources within the BPO, the musicians were informed of Ribits’s departure by a delegation of board members in a hastily called orchestra meeting on the morning of June 9. Musicians were reportedly “stunned” by the announcement.

The **Jacksonville Symphony Orchestra** has rebounded from years of deficits with an 18% bump in single ticket sales and a 23% rise in donations for the current season. The orchestra’s endowment also grew at a rate of 10%, and now stands at about \$11 million. The increased revenue allowed the JSO to balance its budget for the first time in several years.

**Honolulu Symphony Orchestra** music director Samuel Wong will step down from his position in Hawaii at the conclusion of his current contract, which runs through the 2004–05 season. Wong will remain as conductor laureate in Honolulu through 2007, and plans to help create an Institute of Music and Healing. The orchestra was informed of Wong’s departure by HSO president Stephen Bloom at the final rehearsal of its season.

*(continued on page 8—see BACKSTAGE ROUNDUP)*

## Remembering an ICSOM Pioneer

*Editor's Note: In April, we received word of the death of former ICSOM chair Irving J. Segall of Philadelphia. Irv was a violist with the Philadelphia Orchestra from 1963 to 1994, and also logged time with the old WCAU Radio Orchestra and the Baltimore Symphony. According to his son Ira, some of his favorite musical memories came from his freelance performances with the likes of Frank Sinatra, Dean Martin, and Jerry Lewis.*

*As ICSOM chair, Irv helped lay the foundation of the movement to establish the fair rights and salaries that many of us in American orchestras enjoy today. He also served as a peer review panelist for the National Endowment for the Arts and as chairman of the Members' Committee of the Philadelphia Orchestra. He was 82 when he lost his fight with brain cancer. What follows are remembrances of Irv's life and work from two of the men who worked most closely with him at ICSOM.*

### **ICSOM Chairman Emeritus Fred Zenone A True Leader**

It is a privilege to have known Irving Segall, as a musician and colleague, as a mentor, and as a friend. In 1974, Irv succeeded Ralph Mendelson as chairman of the International Conference of Symphony and Opera Musicians and became the last long-tenured chairman of the generation of ICSOM founders, holding the position until 1980.

As a founder and as a mentor, Irv took great care to instruct all of us at ICSOM in the history and charge the founders represented. He was a strong leader, driven largely by two core values in regard to symphony, opera, and ballet musicians: that orchestra musicians were the best agents to represent themselves in collective bargaining, and that we would rise to an influence within the American Federation of Musicians commensurate with our financial support of the union and our collective importance as members. Thirty years ago, when Irving became chairman, neither of those conditions was assured as a matter of common practice. Progress toward these goals was beginning to be evident, but Irving brought his full dignity and passion to the effort, and orchestras achieved a new and elevated level of influence within their locals and in their relationship with the AFM. The right of ratification became common practice under Irv's leadership, as did the power and influence needed for musicians to be central to the local collective bargaining process. Musician participation in the AFM's national negotiations with the producers of electronic media also came about during his chairmanship.

During Irv's tenure, the National Endowment for the Arts was relatively new as the government agency disbursing financial support to orchestras, and its existence became a significant aid in the solicitation of private

"matching" contributions for arts organizations. The NEA made its grant decisions through a deliberative process of peer panels of orchestra managers. ICSOM was determined to have a voice in that process, and Irving served as the first ICSOM representative on those panels. It was another indication of progress toward amplifying the voice of orchestra musicians.

Irving found artistic fulfillment as a violist in his beloved Philadelphia Orchestra. Because he just had to play, he played as a substitute even after his retirement. But even after leaving the orchestra, and through his ongoing health problems, Irving was always in touch with the progress of the musicians' voice through ICSOM. Our lives are better because Irving Segall was among us. He will be remembered as a strong and dedicated leader and his aspirations for symphony, opera, and ballet musicians live because of his vigor and passion.



### **ICSOM Counsel Len Leibowitz I remember Irving**

He was the tallest violist I ever saw. He looked like a slightly overweight Ichabod Crane, and he spoke with that funny Philadelphia accent—you know the one, where the city to the south is pronounced "Balteemore".

But he was one smart string player. And he was devoted. He was devoted to his family, his colleagues in the Philadelphia Orchestra, and to symphony, opera, and ballet musicians everywhere. Mostly, he was devoted to justice. He had a very strong sense of what was "the right thing to do." He could be very funny. And if you were funny, his laughter would fill the room.

He was always either a member or the chair of the Orchestra Committee. He was a long-time ICSOM delegate from his orchestra, and he was one of an incredibly long line of incredibly talented and dedicated chairs of ICSOM. The length of his time in office was somewhere between Ralph Mendelson's and Fred Zenone's—Tom Hall could tell you exactly where.

My favorite recollection of him is when we were having a bite to eat late one night, after we had just settled a contract in Philadelphia. As we were quietly munching on sandwiches, he looked up and said, "I never thought I would see the day that I would be earning \$20,000 a year just for playing the viola."

I hadn't seen or heard from him for some years, but a couple of weeks before he died, he called to ask if he could come into Manhattan and have lunch with me. I said, "Just call the day before you're coming." He never called. I wish we could have had lunch.

## Music to the People

(continued from page 1)

that there is no standard procedure. Most important is the community's need and desire for performing arts support. After hall expenses are met, proceeds from all residency activities go to the state and local organizations for the arts and education in the arts. This largesse is made possible because of grants that the NSO has received over the years that underwrite the cost of the program. Much of the selection process also has to do with scheduling, both for organizations in the prospective state—taking into consideration school spring breaks, graduations, arts center openings, and such—and our obligations in the D.C. area.

So it turns out that my original question hasn't changed after all these years. I've just become a bit more indoctrinated into the culture of the National Symphony. I still ask where we're going on tour every year, but now I'm not surprised when the answer might be Kansas, or West Virginia or, dare I dream to hear someday, Hawaii.

## Secretary's Report

(continued from page 4)

to Lynn Rosen (Utah Symphony ICSOM delegate) and the Governing Board. Tom took care of us last year, and his guidance was without parallel. As Tom steps away from serving ICSOM in a formal capacity, I would like to thank him for the rich historical perspective he shared with us. He helped us become better officers. We will lose yet another great historian at the end of August, as Member-at-Large Paul Ganson retires from the Detroit Symphony. Paul's history with ICSOM has been incredibly valuable to the Governing Board.

Just as ICSOM's history is important to remember, orchestra members need to understand and remember their own orchestra's development and

history. In every orchestra there are members who have the historical perspective and scars from fighting for better wages and working conditions. There are some who have had a taste of the battle and others who know nothing but the better conditions they work under today, yet we must always remember where we came from. Many important lessons were learned as we stood together and fought for our rights. There are some managers and boards out there that would do anything, make any kind of threat, and even go so far as to destroy an orchestra in order to squeeze concessions out of musicians. There are other orchestra leaders out there who "get it," but the shameful and short-sighted actions of many working today makes it ever more important that we stand together and demand accountability.

## Backstage Roundup

(continued from page 6)

The **San Francisco Symphony** is the star of a new PBS series entitled *Keeping Score*, part of an unprecedented \$20 million project which aims to explore classical music in an in-depth manner which has become all but unheard of in our modern pop-culture-soaked world. The program, which features SFS music director Michael Tilson Thomas discussing and explaining works of music which are later performed in full by the orchestra, was inspired by Leonard Bernstein's classic young people's broadcast series with the New York Philharmonic. PBS stations across the country are carrying the series in prime time this summer as part of the *Great Performances* series. A companion radio series produced by Minnesota Public Radio, which also partnered with the SFS on the Peabody-winning *American Mavericks* series, will begin next year, and an online component is already up and running at [www.keepingcore.org](http://www.keepingcore.org).

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

Laura Ross, Secretary  
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## The 2004 ICSOM Conference

by Laura Ross, ICSOM Secretary

The 2004 ICSOM Conference—held in Salt Lake City and dedicated to the memory of Lew Waldeck, the first director of the AFM Symphonic Services Division from 1983 to 1994—was by all accounts an extraordinarily busy one. Breaking with recent tradition, the conference began early in the morning, with a 7:30AM breakfast for new delegates followed by the first session at 9:00AM. Typical of the heavy scheduling, the last session that day ended at 10:00PM. As busy as it was, attendees were still able to meet and hear our hosts, the members of the Utah Symphony, at a mixer and at their final season concert at Deer Valley.

The conference packed in many reports and presentations, including addresses by AFM President Tom Lee, AFM Secretary-Treasurer Florence Nelson, and AFM-SSD's new director, Laura Brownell. ASOL President & CEO Henry Fogel gave the keynote address. Paul McCarthy's presentation on leadership and negotiation preparations was engaging. Patricia Polach explained the intricacies of artist payments for digitally transmitted electronic media. Len Leibowitz spoke about the finer points of the duty of fair representation and also involved the delegates in some lively breakout sessions. Two important sessions of currently negotiating orchestras allowed them to discuss their individual situations and to exchange ideas about strikingly similar management proposals to roll back wages, benefits, and working conditions.

Numerous resolutions were adopted [see the complete list of adopted resolutions starting on p. 4—Editor]. The delegates honored Tom Hall (Chicago Symphony), Jay Blumenthal (New York City Ballet), Paul Ganson (Detroit Symphony), and Janice Galassi (former AFM-SSD director) for their past service. The Lew Waldeck Memorial Fund was established as a joint endeavor of ICSOM, ROPA, and OCSM. Two more resolutions encouraged orchestras to negotiate language into their CBAs covering delegate attendance at conferences without loss of pay and prohibiting EMG use for non-symphonic work. Other resolutions dealt with internal communication and programs, encouraged cooperation and

liaison among ICSOM, the Sphinx Competition, and the AFM Diversity Committee, directed ICSOM to resubmit the AFM bylaw change that would prohibit contractors from serving on Local boards, encouraged voter registration, and joined with the AFM-IEB in endorsing John Kerry for the U.S. presidency. ICSOM also adopted a resolution that applauded Local 802 and its president David Lennon for the very successful campaign to achieve contracts that prohibit the use of virtual orchestra machines.

A major conference topic was governance, including the increased roles some musicians are assuming in their orchestras. Much discussion centered on the Saint Paul Chamber Orchestra, with presentations by musicians Carole Mason Smith, Gary Bordner, and Leslie Shank, SPCO president Bruce Coppock, and SPCO board chairman Lowell Noteboom. Additional panelists who spoke about their own experiences and observations included Bruce Ridge (North Carolina Symphony), Ken Harper (Colorado Symphony), Tina Ward (St. Louis Symphony), Robert Wagner (New Jersey Symphony), and Paul Ganson (Detroit Symphony). From these discussions came a resolution urging orchestras to clearly state, either in their CBA or bylaws, that musicians who serve on management committees and boards do so as musician representatives who must voice the collective opinion of their colleagues. Such language should also require good communication between musician representatives and their colleagues. The potential impact of the U.S. Supreme Court's *NLRB v. Yeshiva University* decision on new forms of internal governance, including that of the Saint Paul Chamber Orchestra, also evoked interesting discussion.

Another resolution called for nationwide support of our colleagues in the Chicago Symphony, the New York Philharmonic, the Cleveland Orchestra, and the Philadelphia Orchestra, all of whom are currently engaged in very difficult negotiations. Since the outcome of their negotiations will have nationwide impact on our industry, the resolution “deplore[s] the attack by those managements, wish[es] our colleagues in these cities well, and urge[s] the AFM, its Local unions and the members of all professional orchestras in the nation to write letters, send e-mails and engage in any other form of protest in an effort to protect and preserve the quality of life of all symphonic musicians in the United States.”

Re-elected to office were Chairman Jan Gippo (St. Louis Symphony), President Brian Rood (Kansas City Symphony), Secretary Laura Ross (Nashville Symphony), and Treasurer Michael Moore (Atlanta Symphony). Richard Levine (San Diego Symphony) was elected as the editor of *Senza Sordino*. Member-at-Large Bruce Ridge (North Carolina

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## Chairperson's Report

Jan Gippo



Our ICSOM Conference held in Salt Lake City was a great success. A true highlight of the conference was the impeccable organization and good humor of the conference coordinator, Lynn Rosen (Utah Symphony). With the help of Robert Levine (Milwaukee Symphony), Lynn ensured that each meeting started on time with all the materials essential for the presentations. Sometimes our language doesn't seem to have the words needed to convey the true sentiment, so "thank you" must suffice. Lynn, you are a gem, and ICSOM is extremely fortunate to have you on the Governing Board.

The theme of the conference was *We Have Seen the Future, and It Could Be Us*. The delegates heard an address given by the president of the American Symphony Orchestra League. That was followed by the executive director of an ICSOM orchestra, and that was followed by the board chair of that orchestra. It was, of course, the Saint Paul Chamber Orchestra, and we were looking at the experimental contract one year after its signing. There were many complaints from the delegates about so much management input, but I still believe it was necessary, and I would like to tell you why.

If we are to take a more dramatic, hands-on approach to the management of our orchestras, we at least need to know the pitfalls, the successes, and the thinking of managers who are also trying to solve the problems. The delegates saw the PowerPoint presentation of Saint Paul Chamber Orchestra executive director Bruce Coppock, and they were stunned at the content. From the discussion we had with the musicians in the morning session, the presentation did not seem to answer any of the concerns of the musicians, but it did show a "Pleasantville" smile to all the problems that we have identified. If there is a controversy, it is to our benefit to get all the information before we make a judgment. Knowledge is power. Ignorance will help us self-destruct.

In the morning session we heard from Tina Ward (St. Louis Symphony) and Robert Wagner (New Jersey Symphony) about their research into how some European orchestras are trying to solve the inherent problems of music, money, and personnel. The Berlin Philharmonic has a very complicated formula, but I don't believe that it solves any of the problems we see in our symphony orchestras. Berlin takes care of these problems in a tradition of self-governance that it has had for over a hundred years. We heard from Bruce Ridge (North Carolina Symphony) about North Carolina Symphony's very successful conductor search committee, which he chaired. That project worked so well that it might well serve as a model for other orchestras. We heard from Ken Harper (Colorado Symphony) how an overly zealous conductor can circumvent an artistic advisory committee; also that a musician, even with the backing of the orchestra, can still be denied tenure—obviously a situation that must be changed. Paul Ganson (Detroit Symphony) took us through the history of how musicians had to take some hands-on leadership in Detroit to ensure that there would even be an orchestra, because their management was so poor.

Although these panel presentations are sometimes boring, these discussions are very important. The insights shared are essential for the delegates to understand, and the ideas presented are important enough that the delegates need to relate them to all

(continued on page 7—see CHAIRPERSON'S REPORT)

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North Carolina Symphony  
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Philadelphia Orchestra  
Phoenix Symphony Orchestra  
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Saint Paul Chamber Orchestra  
San Antonio Symphony  
San Diego Symphony Orchestra  
San Francisco Ballet Orchestra  
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Utah Symphony Orchestra  
Virginia Symphony



www.icsom.org

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# The Myth of the “Structural Deficit”

by Leonard Leibowitz, ICSOM Counsel



A new “virus” referred to as the “structural deficit” is rampant in symphony orchestras throughout the nation. This insidious infection poses a severe threat to musicians everywhere in their never-ending quest for the growth of their institution and the improvement in the quality of their lives and the lives of their families. The severity of the problem is exacerbated by the fact that the “virus” is a myth created for the purpose of

stopping the aforementioned “quest” dead in its tracks.

Simply put, the so-called structural deficit is just another variation on management’s tired old claim of “inability to pay.” Lately, management alleges that it cannot meet our demands for wage and benefits increases because it claims it cannot raise any more money in the community. A “glass ceiling” on fund-raising? Nonsense! Allow me to explain.

As you all know, the boards of our institutions are comprised of men and women who serve thereon for a number of reasons—some good and generous, some less good and less generous. But none of these reasons include making a direct profit from their service as trustees of the institution. Thus, whether they serve because they are music lovers, married to music lovers, or businessmen and businesswomen seeking to meet other businessmen and businesswomen in order to do business, etc., their incentives do not normally include merely improving the quality of life of the members of the orchestra.

I rush to explain that this is not intended as an assault on the motives of these good men and women. Most of them have no objection to the advancement of the musicians—but for the board, the bottom line is the maintenance, at least, and, surely in many cases, the improvement of the quality of the orchestra. Most of these folks are quite generous with their own giving, and some even spend a good deal of their time attempting to persuade others to give as well. But for virtually all of them, the symphony is not their primary vocation. Their willingness to serve is often limited to only that amount of time and energy which is “comfortable” for them. Too often they withdraw from their board membership because they are unable or refuse to spend the time and energy necessary to do a proper job of fundraising.

One of the major causes of the increasing call on their time is raising money to fund the musicians’ wage and benefit increases which cannot possibly be paid for by earned income alone. Moreover, those additional costs, understandable as they may be, can also not always be met by asking the same sources for greater and greater levels of contribution. This is particularly true when the economy is perilous, and those sources have actually cut back or eliminated their contributions altogether.

Nevertheless, the musicians of the orchestra, like working people everywhere, continue to need increases in compensation to keep pace with the ever-increasing costs of simply living in North America, and raising that money often places the board in that “uncomfortable” position, as

compared to the far easier job of merely holding on to current contributors at the same level of giving.

Our goal in symphony negotiations is to persuade these good people that it is part of their fiduciary obligation to find and cultivate new sources of revenue in all areas, earned, contributed, etc. For the most part, it works. Often, at the conclusion of a symphony negotiation, I am approached by a board member or executive who, while happy about reaching a settlement, will express his or her concerns about the future. “I’m delighted we’ve gotten an agreement for the next three years, but I don’t know where we will find the money to pay for it.” Nevertheless, a few years later, the money has been raised—because it had to be.

Usually, in the course of these very same negotiations, the board, through their representatives, often reject our economic proposals by saying that they simply don’t have the money to pay for them. Our response is to point out that of course they don’t have the money now, but it is their job to find it. That’s what the negotiations are all about!

Now, someone, somewhere, has come up with an answer that is designed to trump such a response: they will not be able to find the additional revenue because they have run into an invisible ceiling which is external and out of their control. There simply is no more money to be raised in their community! Thus, if the musicians’ proposals will increase the budget, it is not possible to pay for it, and it is not a failure of will or motivation—it is a “structural deficit” (the word “structural,” of course, meaning “built-in,” “unchangeable,” simply the “reality of life in the city”). What is even more remarkable is that although this “structural deficit” was only recently discovered, once found in one city, it is now found in city after city throughout the U.S. and Canada!

If it were not so tragic, it might be comical. The logical extension of this argument is that symphony, opera, and ballet musicians (as well as dancers, singers, stage hands, clericals, etc.) are all either frozen at their current salaries, or worse, into a reduced level of compensation, at which they are left after making the concomitant concessions necessary to get the budget down below the “ceiling.” As ingenious as this argument is, and as appealing it must be to boards and managements, we must reject it for the sake of the future of each musician, the other employees of the organizations, and the institution itself.

In the past there have been downturns in the economy which have had adverse impacts on our ability to make gains. Indeed, we have often been forced to accept concessions in order to allow our boards and managements some breathing room within which to devise and implement a plan for recovery.

But just as we are asked to help solve the problem, we must insist on being part of the recovery as well. The recent Detroit reopener settlement reported in a recent issue of *Senza* [Goldman, J. “Once more unto the breach, Detroit, once more!” (July 2004)] represents a classic case of such a plan. It is the only way we should be willing to participate in being part of the solution. The alternative is to perpetuate the downward spiral to oblivion, just as is the acceptance of this canard of “structural deficit.”

## Resolutions Adopted by the 2004 ICSOM Conference

### *The following resolutions were adopted by the 2004 ICSOM Conference*

Whereas, Lew Waldeck was a pioneer in the orchestral field, as well as a mentor, negotiator, teacher, guru, and the first head of what is now the Symphonic Services Division of the American Federation of Musicians, and

Whereas, He touched the lives of thousands of symphony, opera and ballet musicians profoundly in so many ways; and

Whereas, Those who were privileged to know him and to work with him will never forget his wisdom, his fighting spirit, and his dedication to the cause of improving the working lives of classical musicians in the U.S. and Canada; and

Whereas, His passing has left a void in the hearts of so many who benefited from his teachings, his leadership, and most of all, his love, therefore, be it

**Resolved**, That the 2004 ICSOM Conference in Salt Lake City be, and the same hereby is, dedicated to the memory of Lew Waldeck as just a small token of the admiration, respect and affection in which Lew is held by the delegates to the Conference, as well as the thousands of musicians those delegates represent.

*Submitted by the Governing Board*



Whereas, Article VI, Section 2(a), of the ICSOM bylaws mandate a specific procedure which may not be the procedure by which member orchestras elect their delegates; and

Whereas, ICSOM bylaws make no reference to "alternate delegates," a term used with frequency and ambiguity; therefore, be it

**Resolved**, That Article VI, Section 2(a), of the ICSOM Bylaws be amended as follows:

~~Section 2(a) ICSOM delegates shall be selected by secret ballot by AFM members in each member orchestra. A member orchestra may send more than one delegate to meetings of ICSOM, but only one delegate shall be the voting delegate. The voting delegate shall be a member of AFM. Each member orchestra will determine for itself the authority its voting delegate may assume.~~

ICSOM Delegates shall be elected by AFM members in each Member Orchestra in accordance with each orchestra's established procedure. Delegates must be members of the AFM. Each Member Orchestra shall elect one primary ICSOM Delegate. A Member Orchestra may elect additional delegates ("alternate delegates") to send to annual conferences in addition to, or in lieu of, the primary ICSOM Delegate. Regardless of the number of delegates from a Member Orchestra who attend an annual conference, each Member Orchestra shall have only one vote. Each member orchestra shall notify the ICSOM Secretary in writing of the identity of the Delegate and, if there is an Alternate Delegate(s), the identity and voting rights of each. Said notification shall be made as soon as feasible after the election.

*Submitted by the Governing Board*



Whereas, The Recording Musicians Association is a Player Conference representing colleagues in the commercial recording area who make their living working under AFM national agreements including those for motion pictures; and

Whereas, There is growing concern that symphony orchestras with Electronic Media Guarantees in their collective bargaining agreements could be asked to do electronic media work traditionally done by RMA musicians and that work would be subsidized by the Orchestral Association using EMG resources; and

Whereas, Such work may be in non-standard symphonic areas outside those delineated and defined in the Sound Recording Labor Agreement and the Symphony/Opera/Ballet Audio-Visual Agreement, and would, therefore, undercut our colleagues who make their income solely from this type of work; therefore, be it

**Resolved**, That all ICSOM orchestras with Electronic Media Guarantees or Electronic Media Guarantee equivalents in their collective bargaining agreements be urged to negotiate the following language (or language to the following effect) which will prohibit their managements from selling their services for non-standard symphonic work, e.g. motion picture soundtracks, using EMG resources, or EMG equivalent resources, to subsidize it:

"The Association agrees that EMG may not be used to contract out, or otherwise sell the services of the musicians to an outside entity for the purpose of performing any non-standard media work, including, without limitation, motion

picture or television sound tracks, or other similar musical genre, the performance and/or recording of which would tend to deprive other non-symphonic musicians of employment."

*Submitted by the Electronic Media Committee*



Whereas, The ICSOM Bylaws provide that the only circumstance which allows an orchestra to designate another orchestra's delegate to cast a proxy vote at the annual Conference in their absence is if that orchestra will be on a foreign tour during the period of the Conference; and

Whereas, The reasons for such allowance apply in many respects to domestic tours as well; therefore, be it

**Resolved**, That Section 2(b) of Article VI, "Meetings" of the ICSOM Bylaws be amended by adding the words "or domestic" between the words "foreign" and "tour" in the first sentence.

Section 2(b) In the event a member orchestra is unable to send one of its own members as a delegate to a regular or special meeting of ICSOM because it will be engaged in a foreign or domestic tour at the time of such meeting, it may, ~~by secret ballot~~, designate a member of another member orchestra to act as its proxy delegate, with all rights and privileges. The chairperson of such member orchestra shall notify its proxy delegate and the Secretary of ICSOM of such designation in writing.

*Submitted by the Governing Board*



Whereas, The recent passing of Lew Waldeck has occasioned an outpouring of love and affection for him, as well as long overdue recognition of his contributions to the quality of life of symphony, opera and ballet musicians throughout the United States and Canada; and

Whereas, The members of the symphonic player conferences, ICSOM, ROPA and OCSM, are forever affected by his loss, and wish to establish a permanent memorial in his name; and

Whereas, It is their collective belief that Lew would have appreciated a memorial which continued in some small, but important ways, his lifelong work of helping orchestral musicians; therefore, be it

**Resolved**, That the Governing Board and Delegates to the 2004 Conference of ICSOM hereby agree to establish, in conjunction with ROPA and OCSM, the Lew Waldeck Memorial Fund, the purpose of which will be to receive contributions from many sources, to invest said monies prudently, and to make grants to orchestras, orchestra members, AFM local unions, music schools, etc. for the purpose of facilitating projects which are deemed to be in keeping with Lew's philosophy of trade unionism and/or with his general philosophy of life. Be it further

**Resolved**, That the details of the administration and governance of the Fund, the application process, and the amounts and recipients of the grants, will be worked out by a committee appointed by the Governing Boards of the three Symphonic Player Conferences as soon as practicable, with a report on their progress to be made no later than the 2005 Conferences.

*Submitted by the Governing Board.*



Whereas, Some years ago an agreement was reached by and between ICSOM and a group of orchestra executives known as the "Major Managers" that the elected ICSOM Conference delegate in each orchestra should be granted time off without loss of compensation to attend the annual Conference; and

Whereas, Most constituent ICSOM orchestra managements have adhered to that policy, whether or not it was expressed in the collective bargaining agreement; and

Whereas, In recent times there have been some problems in some orchestras whose managements have failed or refused to adhere to that policy; and

Whereas, The importance of full compliance of all ICSOM orchestras to abide by this policy cannot be overstated; and

Whereas, Time off without loss of compensation should also be granted to Governing Board members, and delegates to the AFM Convention; Therefore, be it

*(continued on page 5—see RESOLUTIONS)*

## Resolutions

(continued from page 4)

**Resolved**, That the delegates of each ICSOM orchestra are urged to relate to their negotiators the need to include the following language, or language to the following effect, in the collective bargaining agreement:

The [Employer] agrees that the duly elected delegate to the annual ICSOM Conference, any member of the Governing Board of ICSOM, and any delegate to the AFM Convention shall be granted the time off necessary to attend the Conference and/or AFM Convention, and shall suffer no loss of income or attendance credit, or reduction of paid time off, for said period.

Submitted by the Governing Board



Whereas, Janice Galassi has served as the Executive Director of Symphonic Services Division of the AFM from 2001 through July of 2004; and

Whereas, She has now become the Director of Organizing and Education for the AFM and will no longer be directly affiliated with the SSD; and

Whereas, Janice has been a true and devoted friend of ICSOM, its Governing Board, and the members of the constituent orchestras, in maintaining a close working relationship therewith; and

Whereas, The delegates to the 2004 ICSOM Conference appreciate her efforts on their behalf during her stewardship of SSD; therefore, be it

**Resolved**, That the Governing Board and the Delegates to the 2004 ICSOM Conference express their gratitude and good wishes to Janice Galassi for her outstanding leadership of SSD, and for her future endeavors as Director of Organizing at the AFM.

Submitted by the Governing Board



Whereas, Tom Hall has served ICSOM in numerous capacities; and

Whereas, Those capacities include, without limitation, delegate from the Chicago Symphony, Editor of *Senza Sordino*, member of the Governing Board, Conference Coordinator, Historian, and author of the "History of ICSOM," etcetera, etcetera, etcetera; and

Whereas, His contributions to ICSOM and the field cannot be truly measured by merely listing the positions held; and

Whereas, It is difficult to conceive of an ICSOM Conference without him; and

Whereas, No resolution or other material thing can fully convey the debt of gratitude owed to him; nevertheless, be it

**Resolved**, That the current Governing Board, and those that have preceded it over the years, as well as the delegates to the 2004 ICSOM Conference, and the delegates to the many prior conferences to which Tom Hall gave so much of his time and himself, wish to express their gratitude and awe of the enormous gifts to them, of the time, talent, intelligence and love from Tom Hall over these many years; and, be it further

**Resolved**, That Tom Hall be given the honorary title of ICSOM Governing Board Member Emeritus.

Submitted by the Governing Board



Whereas, Jay Blumenthal has served ICSOM as the delegate from the New York City Ballet Orchestra, and as a Member-at-Large of the Governing Board; and

Whereas, He has now been elected to the position of Vice President of Local 802, AFM in New York; and

Whereas, The Vice Presidency is a full time position and required that he give up his tenure at the New York City Ballet Orchestra, and thus his eligibility for membership on the ICSOM Governing Board; and

Whereas, The Governing Board and the Delegates to the 2004 ICSOM Conference wish to recognize his very valuable service over the years; Therefore, be it

**Resolved**, That the Governing Board and the Delegates to the 2004 ICSOM Conference congratulate Jay Blumenthal on his election as Vice President of Local 802, and expresses their gratitude for his contributions to ICSOM and to the field in general. Be it further

**Resolved**, That the Governing Board and Delegates congratulate Local 802 and its members for their good sense and good fortune in electing Jay, who will surely carry on, and even improve, the great work of Local 802.

Submitted by the Governing Board



Whereas, Paul Ganson has been a revered leader in his own orchestra, the Detroit Symphony, for his musical, administrative and trade union contributions; and

Whereas, Paul has been likewise admired by the members of other ICSOM orchestras for his work in Detroit, as well as his contributions to the field as a Member-at-Large of the ICSOM Governing board; and

Whereas, Paul has announced his retirement from the DSO, and his position on the ICSOM Governing Board; and

Whereas, The Governing Board and the delegates to the 2004 ICSOM Conference wish to join with his colleagues in Detroit in expressing their gratitude to him; therefore, be it

**Resolved**, That the 2004 ICSOM Conference hereby extends to Paul Ganson, their admiration and affection, in recognition of his incredible contributions to the entire field of symphonic music in the US, and especially to the Detroit Symphony Orchestra, and to the members of the constituent orchestras of the International Conference of Symphony and Opera Musicians; and, be it further

**Resolved**, That the entire Governing Board and delegates assembled at the 2004 ICSOM Conference wish for him and his family a healthy, productive and fulfilling retirement.

Submitted by the Governing Board



Whereas, In this century all electronic transmission has become a primary source of communication for business and social intercourse; and

Whereas, ICSOM business is conducted from cities through the nation; and

Whereas, It is essential that ICSOM delegates have access to, and be accessible by electronic mail in order to function properly; therefore, be it

**Resolved**, That a prerequisite to becoming and remaining an ICSOM delegate is having the ability to send and receive e-mail; and, be it further

**Resolved**, That each such delegate must subscribe to the list known as "Delegate-L" and when appropriate shall respond to requests, questions, etc., on said list in a timely fashion.

Submitted by the Governing Board



Whereas, The achievement of ethnic and racial diversity in the symphonic workplace is of the utmost importance, as it is in every musical field; and

Whereas, To that end, ICSOM has participated in numerous projects, committees and programs over the years such as the Music Assistance Fund of the New York Philharmonic, the Mendelson Fund, and currently the Sphinx Competition; and

Whereas, The AFM Diversity Committee is aggressively pursuing the same goals in other areas of musical employment; and

Whereas, ICSOM believes that the achievement of the goals of said AFM committee and ICSOM would be hastened by cooperation and liaison between the AFM Committee and the Sphinx Organization; therefore, be it

**Resolved**, That the delegates to the 2004 ICSOM Conference endorse the cooperation and sharing of resources by and between ICSOM, the AFM Diversity Committee and the Sphinx Organization as a way of hastening the achievement of ethnic and racial diversity throughout the music industry; and, be it further

**Resolved**, That the Governing Board take all appropriate steps to bring the three organizations, and any other like-minded entities, together for the stated purposes.

Submitted by the Governing Board



Whereas, The use of the virtual orchestra machine to replace live musicians is an abomination to the art form and a threat to the livelihood of working musicians; and

(continued on page 6—see RESOLUTIONS)

## Resolutions

(continued from page 5)

Whereas, All musicians and music lovers should deplore the machine's use in all venues for any purpose; and

Whereas, There are those whose love of money and fear of unions lead them to welcome this machine and seek to promote the widespread use thereof; and

Whereas, In recent months David Lennon as President of AFM Local 802 of New York City has waged an enormously successful campaign in the New York City area in achieving contracts with music presenters and music venues which contain specific prohibitions against the use of virtual orchestra machines; and

Whereas, Legal attacks on the validity of such contracts have been repelled, and those prohibitions have been found to be valid and enforceable by the National Labor Relations Board; therefore, be it

**Resolved**, That the delegates to the 2004 ICSOM Conference applaud and congratulate David Lennon, his staff and fellow officers on their valiant efforts; and, be it further

**Resolved**, That the AFM, its locals, and all musicians deplore the use of the machine and take whatever steps available to them to impede the spread of this threat to music and musicians.

Submitted by the Governing Board



Whereas, The ICSOM Conductor Evaluation Program was founded in the 1960s to help give orchestras a voice in the engagement of conductors; and

Whereas, The success of the ICEP has spawned numerous internal single-orchestra conductor evaluations; and

Whereas, Other orchestras do not have access obtained in this manner; and

Whereas, Usage of the ICEP has waned in recent years; and

Whereas, This valuable program deserves the attention and support of all ICSOM members; therefore, be it

**Resolved**, That all ICSOM delegates are urged to encourage their orchestras to evaluate at least one conductor during the 2004-05 season through the ICEP and to encourage full participation by the members of their orchestras.

Submitted by the Governing Board



Whereas, Communication is the core value of ICSOM; and

Whereas, Communication between the Members-at-Large of the Governing Board and each of their assigned delegates is one of the most important means of interaction between the Board and the constituent orchestras; and

Whereas, It is a primary obligation of each Member-at-Large to initiate the contact with the delegates from his/her assigned orchestras; therefore, be it

**Resolved**, That the delegates to the 2004 ICSOM Conference urge the Members-at-Large to communicate by phone or e-mail on a regular basis throughout the year, with a goal of at least one contact per month; and, be it further

Resolved, That the delegates are urged to initiate contact with their respective Member-at-Large as well.

Submitted by the Governing Board



Whereas, Cooperative models and elements of participatory governance are increasingly being adopted by ICSOM orchestras; and

Whereas, Those orchestras are asking their musicians to take on managerial roles and one of the legal underpinnings of the *Yeshiva University* case is that employers have a right to the unswerving loyalty of the management; and

Whereas, The goal of cooperative models is to make decisions with musician participation and by consensus; and

Whereas, Musician participation in governance must be representative of the musicians as a whole in order to attain a true consensus and to avoid discord when decisions are implemented; therefore, be it

**Resolved**, That the delegates to the 2004 ICSOM Conference urge the member orchestras to attempt to negotiate language into their collective bargaining agreements and/or adopt such language into their player association bylaws that clearly define the roles of musicians who serve on management committees and Boards. Said language shall make clear that musicians serve as representatives of their colleagues and that the musicians who serve shall continuously communicate with their fellow musicians to represent their views responsibly and vigorously.

Submitted by Ken Harper, Colorado Symphony delegate



Whereas, It is a long-standing ICSOM policy that the AFM bylaws should prohibit union officers from serving as contractors or in any other supervisory capacity over other AFM members; and

Whereas, ICSOM submitted a resolution on the subject to the AFM 2003 Convention (designated as Resolution #40) which received grossly inadequate consideration by the Law Committee, leading to its late presentation to the delegates and its withdrawal by its proponents; therefore, be it

**Resolved**, That the ICSOM Governing Board be directed to re-submit Resolution #40 to the 2005 AFM Convention; and, be it further

**Resolved**, That the ICSOM Governing Board actively seek the support of the other Player Conferences for such legislation.

### Resolution #40

Whereas, There are many Locals in which the Officers also work as Contractors, Personnel Managers, or Booking Agents, creating a clear, inherent conflict of interest that has a chilling effect on a member's ability to receive fair and impartial representation; therefore, be it

Resolved, That Article 5, Section 7(d) of the Bylaws be amended, as follows:

No Local Officer shall (1) serve in the position of a Personnel Manager or a Contractor for an employer of musicians in the Local's jurisdiction[. Beginning with a Local's next election on or after August 1, 2001, no Local Officer, except in Canada, shall serve in the position of a contractor of musicians in the musical theater field.]; (2) work in any position where s/he receives any remuneration from contracting or booking musical units (other than a regularly organized one of which s/he is a leader or member) in the Local's jurisdiction, except in his/her capacity as a Local officer administering an employment referral or booking program on behalf of the Local.

Submitted by Robert Levine, Milwaukee Symphony alternate delegate



Whereas, The annual ICSOM Conference requires an enormous amount of planning; and Whereas, The selection of a site on only an annual basis does not allow enough time for proper presentation; therefore, be it

**Resolved**, That the delegates to the 2004 ICSOM conference urge the Governing Board to attempt to secure sites for the annual conference on a multi-year basis to provide sufficient time for proper preparation.

Submitted by Lynn Rosen, Utah Symphony delegate

[Adoption of this resolution changes language in ICSOM Bylaws Article VI. Section 7, #9, Agenda to read: Future Meetings]



Whereas, The AFM-IEB has endorsed John Kerry for President; and

Whereas, An overwhelming majority of the delegates to the 2004 ICSOM Conference are in accord with said endorsement; therefore, be it

**Resolved**, That the delegates to the 2004 ICSOM Conference join with the AFM-IEB in endorsing the Kerry/Edwards ticket in the upcoming Presidential election.

Submitted by Nancy Agres, Indianapolis Symphony delegate



Whereas, The 2004 ICSOM conference and the American Federation of Musicians International Executive Board have endorsed the Kerry/Edwards ticket in the upcoming presidential election; and

(continued on page 8—see RESOLUTIONS)

# The Decision Is In Your Hands

Remember to Vote on November 2, 2004

by Lynn Rosen, Utah Symphony

At the 2004 ICSOM conference in Salt Lake City, delegate Nancy Agres (Indianapolis Symphony) presented a resolution from the floor to join the AFM International Executive Board (IEB) in endorsing the Kerry/Edwards presidential ticket. The resolution passed unanimously. In an age when politics and music have not always crossed paths, now is the time to be active.

Echoing the words of Tom Lee, President of the AFM, John Kerry's policies reflect those of the AFM. His interest in the arts, concern over outsourcing jobs to overseas markets, advocacy of universal health care, and support of labor unions are all consistent with the interests of the AFM and ICSOM. "John Kerry believes in securing a bright future for working families who are currently struggling under failed health care policies," Lee said. The IEB noted in its endorsement that "Kerry's focus on the arts, copyright piracy, middle class tax relief, job creation, fair trade, prescription drug coverage, and social security protection" were important factors for their support. The AFM is offering "Musicians for Kerry" buttons that have a photo of John Kerry playing the guitar. They are available online for three dollars at [www.afm.org](http://www.afm.org) (click on AFM GEAR).

In regard to outsourcing, research at UC Berkeley suggests that as many as fourteen million jobs will be affected in the near future. That means people without the benefit of union contracts stand to lose jobs—gone, nada, out of work—unless work forces are unified. A recent *Los Angeles Times* article (August 29, 2004) describes the backwardness of outsourced jobs: "Where else can you find workers who will say, 'For three years I didn't go on vacation; I didn't feel like it.'" The article goes on to describe the workplace as high-tech, with rooms accessible only by electronic swipe cards, and office chairs that would "flunk any ergonomic test." There are three shifts, so no one can personalize his or her desk, and no natural light—not many clocks, either. It's like a casino, a place without "distractions."

The Bush administration was expected to create 200,000 jobs in July, but payroll growth only totaled 32,000. Economic analysts are attributing this slow economic growth in large part to outsourcing. Both houses in the California legislature passed legislation recently to prevent the state from hiring outsourced workers. (*Governor Arnold Schwarzenegger vetoed the measure on September 29—Editor.*)

The AFL-CIO came out with a whole-hearted endorsement of Kerry in February 2004. The General Board's endorsement states that "America has a job crisis. We've lost 2.8 million good manufacturing jobs over the past three years, more than in the preceding 22 years. Today we are unified in our support of a presidential candidate, one who not only can take on President Bush, defeat him and turn our nation around, but who is all of the best things America has to offer."

Kerry's platform calls for leading the fight to protect workers' overtime pay, increasing the minimum wage, and extending unemployment

benefits. As president, he will crack down on corporations hiding money overseas, roll back Bush's tax cuts for the wealthy, and create ten million new jobs. He is committed to a health care plan that will expand health care coverage to 96% of all Americans, including nearly all children. He will also propose a real prescription drug benefit for seniors in his first 100 days.

It is important for everyone to register and to vote. It is also important for people to consider the need for union solidarity in this election. You may be surprised that one out of four voters in 2000 was from a union household. Wear the Kerry buttons distributed by the AFM that depict Kerry playing the guitar. Make your vote represent the working class vote, not the special corporate interests of the wealthiest Americans. And for a bit of nostalgia, remember the initials "JFK."

## Chairperson's Report

(continued from page 2)

the musicians of ICSOM. With the great body of information and creative solutions found in our members, we needn't recreate the wheel each time a new problem arises.

We now can move on to other issues that are pressing for our profession. And, once again, I ask musicians who are interested to send their ideas along; we will make every effort to incorporate them into the agenda of a future conference.

The time has come, however, when the Governing Board must look at the format of the ICSOM Conference and streamline it to fit the times. We need more time to talk amongst ourselves so that the ideas generated can then be used as discussion material in the general sessions. Some of the reports could be streamlined, and much of the pro forma agenda might be eliminated.

This is the time for all of us to generate ideas, analyze problems, and proffer solutions. Write us, talk to your delegate, and get involved. ICSOM is no longer just for August.

*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.

## Conference Report

*(continued from page 1)*

Symphony), who had been serving on the Governing Board by appointment, was elected to his first full term. Elected as new Members-at-Large were Steve Lester (Chicago Symphony) and Lynn Rosen (Utah Symphony). Member-at-Large Henry Peyrebrune (Cleveland Orchestra), whose position was not open for re-election, completes the current nine-person Governing Board.

## Resolutions

*(continued from page 6)*

Whereas, There are undoubtedly musicians in our member orchestras who are not yet registered to vote; therefore, be it

**Resolved,** That the delegates to the 2004 ICSOM conference encourage all ICSOM delegates to make available to all their constituent members appropriate voter registration forms, encourage completion of same, and remind them to vote in the November 2nd Presidential election.

*Submitted by Bob Wagner, New Jersey Symphony delegate*

## Reminders

### from ICSOM Treasurer Michael Moore

Please help ICSOM's cash flow by sending us your membership dues as soon as you can collect them. We thank the Minnesota Orchestra, the Saint Paul Chamber Orchestra, and Local 30-73 for being the first to send in this year's dues.

### from ICSOM Secretary Laura Ross

As decided at our recent conference, we are now trying to plan future ICSOM Conference sites years in advance. Orchestras are therefore encouraged to consider hosting a future Conference. It is a great way to help your musicians see firsthand what goes on at a Conference and to help develop an involved, unified orchestra. Please contact Laura Ross to investigate how you might proceed with this project.

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

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