

MEMBERS

NEWSLETTER

Make Every Musician Benefit from Efficient Responsible Service

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POLITICAL RESOLUTIONS

June Bylaw Meeting

LOCAL 802's June Membership meeting will consider three bylaws submitted by members of the Concerned Musicians' Party. The resolutions would restore slate listings on 802 ballots, prohibit personal use of Union credit cards and give control of *Allegro* publication and the 802 Web site to Bill Dennison (and future recording vice presidents).

Slate Listings On 802 Ballots

Resolution #1 would reverse the bylaw adopted six years ago which abolished slate listings on Local 802 election ballots. That bylaw had, itself, reversed a bylaw adopted in the early 1960s allowing slate listings.

The change in 2000 was politically charged and energetically debated. The debate then touched on whether the incumbents or the opposition benefitted from slate listings, and concern about the impact on independent candidates. The proposal would also prohibit any candidate from being listed on more than one ticket.

Ironically, a few signers of the present resolution were among those opposed to ticket listings in 2000. One wrote an *Allegro* article about the dangers of slate listings.

Questions have again been raised about independent candidates whose prominence on a ballot dominated by columns of slates might be severely diminished.

The actual impact of ticket listings remains a matter of conjecture. The large number of signers of the resolution (30) indicates that the leaders of the Concerned Musicians think that slate voting could have ramifications on the outcome of the Union's election.

Credit Card Use

Resolution #2 would make the Executive Board's prohibition on personal use of 802 credit cards a bylaw. It would also impose financial penalties on violators and make the penalties retroactive to require President Lennon to pay the \$16,000 cost of the independent counsel's inquiry into use of the card last year. Some believe that such an *ex post facto* penalty would be improper, if not illegal.

Whatever happens at the meeting, the proposal and its whereas clauses seem intended to inflict maximum political damage on Lennon and some of their points are a bit disingenuous. "Whereas #6," for example, appears to criticize the Executive Board for fining Lennon (only) one week's salary, pointedly omitting the fact that this was precisely the amount recommended by the independent counsel and approved unanimously by the Board.

Since the Executive Board adopted a prohibition on personal use of credit cards in February, a bylaw to the same purpose would be redundant. The proposals *ex post facto* application of the penalty to Lennon (who would apparently be named in the bylaw), appears to be an attempt to use Union bylaws for partisan political purposes.

Although Lennon had never concealed his use of the credit card and had begun reimbursing the Union shortly after making the expenditures, he didn't manage to repay the full amount until December of 2005.

After Vice President Dennison raised the matter in mid-January, the Board adopted a prohibition of personal use of 802 credit cards and directed 802 Counsel Harvey Mars to make recommendations as to the Union's procedure in addressing Labor Department filings.

After consideration, Mars recommended that in view of the political divisions on the Executive Board, because of the likely need to revise some of 802's LM-2 reports and the possible liability of other officers, the case should be evaluated by an independent counsel not connected with Local 802. The Board then voted unanimously to retain Larry Cary of Cary Kane LLP and the Cornell Labor Studies Program to conduct an inquiry and offer recommendations as to the best way to proceed in resolving the matter.

The attempt to place the entire responsibility for the cost of the independent counsel on Lennon ignores several significant points:

1. Cary's inquiry and recommendations covered far more than Lennon's credit card

use. His advice on modifying the Local's expense report forms, financial oversight policy and check signing procedures, constituted a major component of the report (and presumably its cost) and addressed several vital areas in which the Union's procedures very much needed updating.

2. The independent counsel was only needed because of the political friction within the administration and the fact that Dennison had waited for two years to bring the information to

the Board. During this time, incomplete Labor Department reports had been filed by the Union. If the matter had been brought to the Board in 2004, the Local's LM-2 reports could have been correctly filed and the matter could have been resolved by the Local's own counsel, at no cost.

Dennison's withholding of this critical matter from the Board until an election year might have been an effective political tactic, but the two-year delay placed all three officers and the Union itself in potential jeopardy because of inaccurate labor department filings which resulted from the Board's unawareness of the facts.

3. The Executive Board voted unanimously to retain Cary and to pay his fee.

All of these considerations are made somewhat moot by the fact that Lennon has already
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Bylaws should address the Union's structure and general policies

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A B R I E F O U T L I N E

The AFM

By Michael Comins

GATHERED by invitation from American Federation of Labor (AFL) President Samuel Gompers to a conference in 1896, delegates from The National League of Musicians representing 3,000 members voted to form the American Federation of Musicians (AFM). Within ten years, the AFM grew to 424 locals representing 45,000 musicians throughout the U.S. and Canada.

Work at that time consisted mainly of live concert bands, traveling grand opera, local symphony and opera concerts, musical comedies and other such attractions. However, the 1877 invention of the Edison cylinder, Marconi's radio invention in 1895, the competing motion picture devices of Lumière (1895) and Edison (1896) and the advent of talking movies (1926–1928) forecast a sea change in the way music would be played, heard and consumed.

Talkies

The 1927 movie "The Jazz Singer," utilizing Vitaphone, a separate synchronized sound track on a disc, is generally credited as the first full-length sound movie, although the 1928 Fox Movietone method of recording sound directly on the actual film with some modification is still in use today. The net effect to AFM musicians was the loss of most of the 22,000 pit orchestra jobs in the silent movie houses while a few hundred players from the best eastern symphony orchestras dashed out to Hollywood for what became the best-paying jobs in music at that time, recording soundtracks in the motion picture studios.

Network Staff Orchestras

As radio developed, network staff orchestras flourished not only in New York, Chicago

and Los Angeles but also in cities like Denver and Pittsburgh where smaller radio orchestras were employed. In an attempt to force the hiring of more musicians at local radio stations, AFM President James Petrillo (1940–1958) called various strikes against them, causing Congress to write the Lea Act (also known as the Petrillo Act). Passed by Congress in 1946 and upheld by the Supreme Court in 1947, it was aimed specifically at preventing "featherbedding" in the broadcasting industry, severely restricting the AFM's ability to bargain with industry for higher wages and more jobs. It was repealed in 1980 long after the demise of staff orchestras.

Dual Unionism

Petrillo's first ban on phono and broadcast transcription recording came in 1942, lasting two years during WW II, and resulting in the creation of the Recording and Transcription Fund, used to provide free concerts across the nation. Petrillo's second recording ban began and ended in 1948, in part, with renaming the fund Music Performance Trust Fund and enlarging its scope. Soon, broadcasters, film companies, jingle houses and the record companies were paying a fee on every date into this fund while Petrillo was diverting years of negotiated raises in musicians' recording pay scales into it, as well. It is known today as the MPF.

After three years of vain attempts at reasoning with Petrillo over the lack of raises, royalties, pension and health benefits, and with the knowledge that some of the MPTF money was being siphoned off into a private pension fund for top AFM officers, a group of Local 47 musicians, led in 1958 by local vice president and trumpeter Cecil Read, voted to leave the AFM during a film industry strike called by Petrillo and to form the Musicians Guild of America. The Guild settled the 20-week strike and won a contract guaranteeing one live session for every 13-week TV series for the first time. The contract also relieved the film and TV industry from the onerous fund payments.

In a 1961 letter to the Guild, AFM President Herman Kenin (1958–1970), a former AFM west coast rep who succeeded Petrillo, promised to end "dual unionism," offering to reinstate Guild members without penalty and to strive to negotiate for royalty, pension and health payments in all future AFM contracts. He further promised to create a Los Angeles Music Advisory Committee (LARMAC) whose members would take part in all future

national contract negotiations, establishing a precedent for our current AFM player conferences such as ICSOM, RMA, ROPA, OCSM and TMA.

Seattle's International Guild of Symphony, Opera and Ballet Musicians (IGSOBM) began in 1985 and became the players' bargaining agent in 1988 when AFM President Marty Emerson (1987–1991) refused their request to put Local 76 into trusteeship for its lack of services, though these musicians were supplying most of the Local's operating budget through their work dues. The musicians decertified the Local and Seattle has since become a center for non-AFM film scoring by undercutting Federation scales and working conditions.

AFM Politics

The AFM's political structure has long been dominated by small locals where scant full-time musical employment exists. Petrillo's MPTF distributed money "for concerts" to the small locals who in turn, voting at the annual convention, kept reelecting him. During the past seventeen years, AFM presidents have appointed three committees (1989, 1997, 2003) dealing with restructuring with the goal of better representing and serving the full-time working membership. However, their recommendations have gone largely unimplemented because of the majority's desire to retain the status quo.

Globalization

The idea that one foreign company (SONY/BMG) would own the recordings of the Boston, Chicago, NBC, St. Louis, Washington National and San Francisco Symphonies, the Cleveland, Philadelphia and NY Philharmonic Orchestras as well as an American movie studio, a major U.S. publishing house, and also manufacture electronic equipment, would have been unthinkable just a few years ago. A few other companies are similarly diversified and powerful. Yet the various entertainment unions barely talk to each other and do not share contract enforcement databases. The members of SAG and AFTRA recently voted down a merger. Though the AFM has rejoined the International Musicians' Union (FIM), membership is largely symbolic with little ability to affect pay scales, royalties and working conditions in other countries. It seems that the AFM stands quite alone, falling farther behind the rapidly evolving global business world. **MN**

MEMBERS NEWSLETTER

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MEMBERS vs. MEMBERS

2006 is a Local 802 election year, and the campaign is already in progress. The election is more than six months away but, whatever happens, the campaign is likely to involve candidates on either side who have been associated with the MEMBERS Party.

A 24-Year History

The MEMBERS Party was formed in 1980 and won a clean sweep of all 22 elective offices in 1982. Since that campaign, Local 802's electoral process has opened up considerably and many candidates have run for office, with varying degrees of success.

Until 1983, none of Local 802's 22 officers was permitted to work as musicians. As a result, the incumbents were essentially just politicians. In 1982 the MEMBERS Party introduced and successfully promoted the concept of working musicians on the Executive and Trial Boards.

There were two problems with full-time boards whose members were not permitted to work as musicians: (1) Board members were out of touch with musicians and the music business, and (2) as a result, Board members under Al Manuti and Max Arons, relying on Union salaries for their livelihoods, were reluctant to express any dissent, lest the president simply remove them from the Party's ticket.

Starting in 1983, working musicians on the boards were both connected to the music business and impervious to pressure to conform. However, shortly after his election, John Glasel began pressing to dissolve the MEMBERS Steering Committee in order to gain more control over who would be nominated for office.

MEMBERS Vs. MEMBERS

By 1992, Glasel's growing intolerance of dissent led him to demand that certain Execu-

tive Board members be removed from the Party's ticket. He later resigned from the Party when its Steering Committee refused to let him dump people from the Party's slate, who had opposed him on key issues. This dispute ended Glasel's career in 802 politics (at least until now) when he bolted the Party, hand-picked his own ticket and ran for vice president against Florence Nelson, losing to her by more than a 3-to-1 margin. This was the first instance of a MEMBERS vs. MEMBERS political campaign.

Bill Moriarity was more tolerant of differing views during his tenure as 802 president (1993–2003) and did not use his position in the Party to remove dissident Board members from the ticket. Later, although he strongly supported Bill Dennison for the Party's 2003 presidential nomination and worked to prevent David Lennon from being nominated, Moriarity accepted the majority decision.

In the 2003 election, two former MEMBERS candidates, Mary Landolfi and Jay Blumenthal, ran independently for Executive Board and financial vice president, respectively.

The Party's approach to electoral politics has changed since 1982. Its first slate of candidates was comprised of a virtual "all-star" team of top musicians in NYC, including: John Ware, associate principal trumpet and rank-and-file committee chair of the NY Philharmonic; Carl Janelli, leading clubdate musician; Charlie Small, formerly of ABC staff and a busy studio player; Erwin Price, former CBS staff musician and prominent orchestral trombonist; and Glasel himself, who was active in clubdates and on Broadway.

The choice of such high-profile candidates was essential in that watershed campaign against an entrenched administration, espe-

cially in a mail ballot election. (At that time all 802 members received unsolicited mail ballots and the high proportion of inactive and out-of-town members who voted tended to favor the incumbents.) Over the years, the Party's nominating process has focused on journeyman professionals with rank-and-file committee experience and personal records of constructive leadership among musicians.

Looking For the Best Candidates

In the early 1990s, in an effort to put forward the most promising candidates, the MEMBERS Party began to look outside its own ranks for candidates. Neither Mary Landolfi nor David Lennon belonged to the MEMBERS Party before they were nominated.

The 2003 campaign was a turning point for the MEMBERS Party. With the retirement of Bill Moriarity and Erwin Price, competition for the top offices intensified and, after the Party's nominations were concluded, division arose within the party itself.

The internal rift continued to grow, culminating in the rancorous accusations surrounding the Radio City negotiations, the politically inflamed credit card issue and the formation of a new political organization, the Concerned Musicians' Party.

The new party's leadership is comprised of people previously associated with the MEMBERS Party. Each of the party's four principals began their Union political careers as MEMBERS' candidates as did the two former presidents (Glasel and Moriarity) who have recently returned to 802 politics, joining the Concerned Musicians in attacking President Lennon.

The 2003 campaign was the first election in which the MEMBERS Party nominated candi-

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JOHN Glasel has become the Spiro Agnew of the Dennison/Schaffner political axis, making provocative false statements on their behalf which they would never dare to make themselves.

Those of us who remember what a heroic figure John was back in the 1980s feel a deep sadness at the bitter, irrational caricature of his former self that he has become. Dennison and Schaffner's exploitation of his impaired judgment has reduced Glasel to little more than a hatchet man. Hopefully, more responsible members of the Concerned Musicians Party, such as Mary Landolfi and Maura Giannini, will rein him in or at least vet his rantings.

Glasel's latest claim, that David Lennon was unopposed for the MEMBERS Party's presidential nomination in 2003, is preposterous. Bill Dennison and Jay Schaffner know full well that both Dennison and Giannini sought the party's nomination for president (and were listed on the party's nomination ballot) and

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that Dennison, Giannini and Schaffner sought the vice presidential nomination after Lennon was nominated for president. Dennison and Schaffner certainly know all of this because they were there. Glasel was not!

Apparently sensing the damage Glasel has done to his own credibility by his recent erratic behavior, the Concerned Musicians Party Web site is now trying to give Glasel credit for his "visionary" advocacy in promoting 802's purchase of its own building.

This is nonsense! Those who were there know—and the record clearly shows—that 802's Building Fund was established in 1983 through a bylaw written and submitted by MEMBERS Newsletter editor Jack Gale, not by John Glasel! Gale submitted the bylaw on his own after Glasel and the Executive Board

declined to sign on to it (or even report it favorably in *Allegro*) out of fear of political consequences from the dues increase necessary to create the building fund. The bylaw was overwhelmingly adopted by the membership.

Although Glasel did nothing to promote the building fund bylaw, and actually "urged" the Board not to sign on to it, the Concerned Musicians Web site is now crediting him for 802's building ownership. Glasel knows the truth but obviously permitted Dennison and Schaffner, who weren't there, to give him credit for the work of others.

All of this continues a disturbing pattern of false statements from Concerned Musicians who were, conveniently, not present at the events they describe: the Radio City negotiations, the MEMBERS Party nominations, and the origin of 802's Building Fund.

The "Big Lie" technique is not workable in an electoral campaign where so many people know the truth. **MN**

June Bylaw Meeting

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announced his intention to pay the \$16,000 and has instituted payroll deductions from his salary on a weekly basis for this purpose.

Allegro Supervision

Resolution #3 would assign control of the publication of *Allegro*, as well as the Local 802 Web site, to the recording vice president (currently Bill Dennison) and place certain limitations on the president's monthly *Allegro* report. It would also specifically revoke the Executive Board's power under the bylaws to assign such duties.

Bylaws should address the Union's structure and general policies. Basing legislation on per-

sonalities is always questionable and making policy on short-term political objectives is particularly ill-advised. No one knows who the president and recording vice president will be after 2006 and the Executive Board's central role as the overall governing body of Local 802 should not be undermined in such a irresponsible manner.

Here again, the resolution and its whereas clauses appear to be little more than an attack on President Lennon and an attempt to place Dennison in control of *Allegro* and the 802 Web site during the upcoming electoral campaign.

The MEMBERS Newsletter has been reporting on bylaw proposals for more than 25 years and, in all that time, we have not seen such short-sighted and blatantly political resolutions on an 802 bylaw agenda. **MN**

MEMBERS Vs. MEMBERS

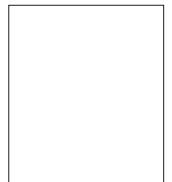
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dates who had never been musicians. Both Bill Dennison and Jay Schaffner had originally come to 802 as employees (Dennison as assistant to President Moriarity and Schaffner as recording department supervisor) after having served in other unions. Their nomination for office reflected the MEMBERS Party's awareness of their administrative experience while working at 802.

The dust hasn't settled yet and it is far from clear just who will be running against whom and for what offices, in December, but it seems likely that the electoral slates on both sides will be largely comprised of incumbent officers with former ties to the MEMBERS Party. **MN**

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