

MEMBERS

NEWSLETTER

Make Every Musician Benefit from Efficient Responsible Service

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New York, NY

DECISION TIME

Making the Choice

AS 802 members, you have a crucial choice to make on Tuesday, December 5. On January 1, either David Lennon or Mary Landolfi will be our president and either Tino Gagliardi or Bill Dennison will be recording vice president.

Each of these individuals has been a MEMBERS Party candidate in the past, each of them is presently in office and each, except for Bill Dennison, has been a working musician.

We believe David Lennon and Tino Gagliardi, as president and recording vice-president, are the better qualified candidates to guide Local 802 through the challenging three years ahead. Further, we are convinced that the records of their respective opponents do not compare with those of Lennon and Gagliardi in working with musicians and committees and providing creative leadership at the bargaining table.

The democratic right of Local 802 musicians and their committees to involvement and participation in the negotiations of the contract under which they work is the *key issue* in this election.

David Lennon has an impeccable record of respect for, and consultation with, musicians and their committees. Every committee that has worked with him has praised him for his creativity, leadership and negotiating skills. He has always dealt frankly and honestly with the musicians which he represents and has fulfilled his commitment to their unqualified inclusion in the negotiating process.

In contrast, by acting to subvert the clearly expressed position of the Radio City orchestra and its committee, Mary Landolfi, Bill Dennison and Jay Schaffner attempted to bypass these musicians and undermined their negotiations.

The 2003 Broadway negotiations resulted in the most regressive contract changes in decades of negotiations with the League. The 25% cuts in orchestra minimums and the damaging

without consultation with, or ratification by, the musicians affected by them. Schaffner also recently bypassed the Executive Board by presenting key media proposals to the AFM's IEB without the Board's knowledge or approval. We believe that all of these cases demonstrate Landolfi, Dennison, Giannini, and Schaffner's willingness to ignore, bypass or even repudiate the input of working musicians and their elected committees.

David Lennon has lived up to the MEMBERS Party's 25-year commitment to union democracy and members' inclusion in their own contract negotiations.

Please visit our Web site, membersparty.com, and read the letters of appreciation posted there from some of the committees that have negotiated contracts in cooperation with him.

Your right as 802 members to determine the priorities and direction of the negotiations for contracts under which you work is at stake in this election. You will have to make some critical judgments on election day and, hopefully, you will have enough reliable facts to make an informed decision. We urge you to elect the Lennon-Gagliardi MEMBERS Party ticket on December 5. **MN**

VOTE!

IF you, as professional NY musicians, want to have a voice in the future of your Union, it is essential that you turn out to vote on December 5!

For decades, the ballots of inactive and out-of-town voters dominated Local 802's electoral process because, in place of in-person voting, mail ballots were sent, unsolicited, to all members.

In the 1960s and '70s, the unresponsive, "do nothing" Manuti and Arons administrations were routinely reelected by the votes of members who had no stake in (or direct knowledge of) the workings of Local 802 as a union.

Although the mail ballot was repealed in the late 1980s, the growing dominance of absentee ballots in our elections represents a similar potential danger to the ability of NY professional musicians to elect the leaders of their choice.

Our readers should know that over 1400 absentee ballot requests have been received by the Recording Vice President's office. This number is greater than the total of all votes cast in each of our recent contested elections.

If you have not requested an absentee ballot yourself, please make it your business to show up on December 5 and cast your vote in person.

The Concerned Musicians Party has sent absentee ballot request forms to 802's entire membership. Clearly, inactive and out-of-town musicians are valued members of this Local and have a right to vote in the Union's elections. Nevertheless, it is imperative that every active NY musician makes his or her voice heard in this election. You are the reason we have a Union! Show up on December 5 and VOTE!

changes in the special situations language have continued to adversely affect both employment and the acoustic quality of Broadway music.

Several rank-and-file members of that negotiating committee have complained that President Moriarity and committee Chair Maura Gianinni accepted key contract provisions during that negotiation without the committee's involvement or consent.

As we have reported previously, Theatre Committee members have recently learned that Recording Department Supervisor Jay Schaffner has negotiated several Broadway buy-out agreements with various Broadway shows

IN THIS ISSUE

<i>Making the Choice</i>	1
<i>Vote!</i>	1
<i>Moriarity Vs. Lennon?</i>	2
<i>Responding to the Virtual Orchestra</i>	2
<i>Charges Dismissed</i>	2
<i>MEMBERS Party Candidates</i>	3, 4
<i>A Letter From Jack Gale</i>	5
<i>The Financial Issues (Part 2)</i>	6

Next Issue: **A New Term Begins**

MORIARITY VS. LENNON?

MANY members have wondered why former President Bill Moriarity has reentered 802 politics to publicly attack David Lennon in the current campaign.

As the party that brought Moriarity into union politics and originally promoted his presidential candidacy in 1992, we have long respected him and have been grateful for his service as 802 President.

There are several possible reasons for Moriarity's animosity toward Lennon. As we have reported, a rift occurred within the MEMBERS Party in 2003 when the party nominated David Lennon instead of Bill Dennison, Moriarity's choice. Moriarity had accused Lennon of "distancing himself" from the Broadway negotiations that year. On the contrary, Lennon's involvement in those negotiations was restricted by Moriarity himself.

Lennon did privately express criticism of the handling of that negotiation and the significant losses in minimums and special situations provisions contained in that agreement. Still, there was general agreement that Lennon worked effectively in the area of the negotiation in which he was permitted to participate, the health and safety provisions which many felt was the most successful aspect of the final agreement.

Moriarity and Dennison have also disagreed with Lennon's aggressive opposition to the virtual orchestra machine (VO). In an interview published in the January 2004 *Allegro*, Moriarity was asked by Bill Dennison and *Allegro* editor, Mikael Elsila, how the Union should respond to new music technology, specifically the VO. Moriarity's opinion that we should not oppose the VO is a clear point of disagreement with Lennon's position. The interview has been removed from 802's Web site but it is posted on the Web site of the virtual orchestra manufacturer, Realtime Music Solutions. (A portion of that interview is reprinted in "Responding To The Virtual Orchestra" on this page.)

In a letter posted on the Concerned Musicians Web site, Moriarity states that he hired

Lennon in spite of the fact that he had no record of Union activism. This has been contradicted by *Newsletter* editor Jack Gale:

"The first any of us on the Executive Board ever heard of David Lennon was Bill Moriarity's report to us in 1998 praising the work he (Lennon) was doing as committee chair and steward on the road with the NYC Opera National Company. Moriarity told us that

Lennon was doing an outstanding job as Union rep on the road and coordinating his activities with Local 802, at the risk of his own job security and often at his own expense. It is disturbing to me that Bill would make a statement which so completely contradicts his own earlier description of David Lennon's Union involvement."

Some of the foregoing may shed light on Moriarity's current attempt to discredit David Lennon, but none of it justifies such disingenuous statements. **MN**

Responding to the Virtual Orchestra

IN the January 2004 issue of *Allegro*, Bill Moriarity was interviewed by Bill Dennison and *Allegro* editor, Mikael Elsila. In this piece, Moriarity expressed his view on how the union should respond to the threat of electronic replacement of musicians and specifically, the virtual orchestra (VO).

The portion quoted here shows the extent of Moriarity's disagreement with Lennon.

The topic of the interview was 'acoustic replacement by electronic means.' The following is a brief excerpt from that article

Bill Dennison: "How do you think the Union can respond to changes of that nature?"

Bill Moriarity: "History has shown that to fight [technology] in an inflexible way, and to put what we do against what they do, has not been a very productive strategy—we've tried it on a number of occasions. I think that we need to learn to accept some of this technology as legitimate ways of musical expression and learn to work within those technologies and with those technologies in order for us to continue to survive."

Allegro editor, **Mikael Elsila:** "Can you elaborate on what you mean by 'working with technology'? Do you mean acquiescing to technology or admitting we have to bend to it?"

Bill Moriarity: "I think that all of those technologies have within them, the possibility that they are a legitimate, real instrument for musical expression."

Mikael Elsila: "Virtual orchestras are 'legitimate'?"

Bill Moriarity: "I think we have to admit that the technology has, within it, the ability to serve an expressive purpose. There are going to be people who are going to use those technologies to create music—to create communication through music—with an audience. I think we have to not pose ourselves in opposition to them, but to try to pose ourselves as another way, as another voice. This [technology] is not anybody trying to subsume anything else, but a new opportunity to have different ways of expressing yourself that can work with the old ways, and old ways can work with them. I really believe that has to happen." **MN**

Charges Dismissed

ON October 17, an overflow turnout at Local 802's October membership meeting voted overwhelmingly to dismiss the much publicized charges of malfeasance against David Lennon (filed by several of his electoral opponents). The charges were dismissed on the grounds that they were "poorly defined" and that the alleged act "was not, in fact, malfeasance."

After a little more than an hour of debate on the validity of the charges, the 279 members present at the time of the secret ballot vote exonerated Lennon of the charge of malfeasance by more than two to one (196 to 83).

Since June, when the charges were filed by Mary Landolfi, Bill Dennison, Maura Giannini, Jay Schaffner and Jay Blumenthal, several facts had come to light in connection with the case. The AFM had corrected its practice of issuing checks payable to David Lennon when they

were actually intended for the Local and is now making such checks payable to Local 802.

The Union and the Financial Vice President's office were somewhat embarrassed when it was discovered in early October that Local 802 had made the same error (that the charging parties had characterized as "malfeasance" in Lennon's case), when a check made out to (and intended for) David Lennon was deposited into the Union's account back in June.

During the debate, several speakers characterized the charges as politically motivated. It was pointed out that, among the members who filed the charges, one is Lennon's sole opponent for the presidency, two had lost the MEMBERS Party's presidential nomination to Lennon in 2003, one has openly acknowledged a "personal animus" toward Lennon and one had filed charges against two of the other charging parties earlier this year. **MN**

MEMBERS NEWSLETTER

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Candidates for President and Recording Vice President

DAVID LENNON (for President), has served as 802 President since 2004. He has successfully led negotiations for all four Lincoln Center Orchestras, American Ballet Theatre and Mostly Mozart, as well as all of the NYC freelance orchestras. He also negotiated improvements in the health and safety provisions of the 2003 Broadway contract. He is held in high regard by every committee with which he has negotiated. David received his M.M. and B.M. degrees from The Juilliard School. He was principal violist of the Kansas City Symphony and NYC Opera Nat. Co. and played professionally in both the concert and theatre fields. Active as a rank-and-file committee member and union steward, David became 802's Broadway Representative in 1999. In 2000, he was appointed Assistant Director & Supervisor of the Concert Field and Broadway Field Services. An outspoken advocate for live music, he has led the campaign against the use of electronic devices to replace live musicians. His opposition to the Virtual Orchestra Machine has led to more than thirty agreements banning the use of the VO in New York and many others across the country, inspired by his example. David is recognized as the national leader in the fight to keep music live. All legal challenges to 802's VO bans have been resolved in the Union's favor.

TINO GAGLIARDI (for Recording Vice-President), was educated at The University of Hartford, Hartt School of Music, where he earned a Bachelor's and a Master's degree. As a musician in New York City, Tino has worked in the Concert and Clubdate fields and on Broadway, where the bulk of his work is now concentrated. He has been a part of 10 productions on Broadway in the last 20 years and has subbed on a wide variety of shows. Tino is a member of the Broadway Theatre Committee, of which he is currently Co-chair. He was one of six authors of the Broadway Theatre Committee Bylaws and participated in the creation of the off-Broadway Area Standards boilerplate. He also helped establish the Live Broadway Orchestra Preservation Fund, a 501 C5 tax-exempt fund to help in the fight to secure the standard and quality of live performance on Broadway. As a member of the Executive Board, Tino serves on the Public Relations, Anne Walker Scholarship Fund, Emergency Relief Fund, and Financial Oversight Committees. He has been involved in several contract negotiations for the local, most notably the Roundabout and Manhattan Theatre Club agreements where substantial gains were made in both wages and pension contributions. Tino is currently finishing up his labor studies at Cornell University's School for Industrial and Labor Relations.

EXECUTIVE BOARD CANDIDATES 2006

HOLLIS (BUD) BURRIDGE, trumpet, has a B.M. in trumpet from Cincinnati College-Conservatory of Music/M.M. in Jazz Pedagogy from University of Miami Fla. Bud has been a New York trumpet player for 24 years. His Broadway experience includes *La Cage, Victor/Victoria, Romance/Romance, The Life, Gypsy* and *Dirty Rotten Scoundrels*. He has been a member of the Radio City Music Hall Orchestra since 1991. His recording credits include soundtracks for *Fargo, You've Got Mail* and *Analyze This* as well as many jingles and TV themes. He has recorded with Barbra Streisand, Tony Bennett and Peabo Bryson and performed with Frank Sinatra, Tony Bennett, Kenny Rogers, Natalie Cole and Stevie Wonder.

LYNNE COHEN, oboe, began her career playing with the Philharmonic Orchestra of Florida, Miami Opera and Ballet, and in the Palm Beach Symphony, Opera, and Ballet. She served on the orchestra committee in Palm Beach. She spent four years in Europe, playing with the Ensemble Orchestral de Geneve, Collegium Academicum de Geneve, and in the Hofer Sinfoniker in Germany. Lynne came to NY in 1993 and has played with most of the tristate symphonic groups. She was a member of the orchestras of *Cyrano, Miss Saigon, The Wizard of Oz, La Bohème, Little Women*, and *Lestat*, and subbed on many others. She has also served on the Theatre, SOB, CAC Committees at 802 and attended SET training and Broadway Initiatives.

MICHAEL COMINS, violin, has been a member of Local 802 for forty-six years and was a founder of the International Recording Musicians Association (RMA), the Coordinating Advisory Committee (CAC) and the Local 802 Single Engagement Concert Committee. He has also served on the Local 802 Theatre Committee and has over twenty years of experience as a member of many other Union committees as well as at the bargaining table. Michael has had a widely varied musical career, working in symphony, opera, chamber orchestra, Broadway, classical and pop recordings, live television, films, jingles, hotels and nightclubs, and has also done foreign touring. He is a MEMBERS Party founder and candidate.

TONY GORRUSO, trumpet, graduated Cum Laude from S.U.N.Y. at Buffalo in 1979 with a double major Bachelors degree in political science/sociology, occasionally playing as an extra with the Buffalo Philharmonic Orchestra. He graduated Magna Cum Laude from the Berklee College of Music with a joint major degree in jazz arranging and composition. Tony has played 1st trumpet for Buddy Rich, Frank Sinatra, Tony Bennett, Ella Fitzgerald and Mel Torme, to name a few. He has played for all of the major NY and Long Island clubdate offices and has done many movie, record and jingle dates. He is currently an active alternate delegate and 12/24 Theatre Committee representative for the *Spamalot* Orchestra.

GAIL KRUVAND is assistant principal bass NYCO orchestra, as well as principal bass with the Riverside Symphony and the Opera Orchestra of New York. Gail also plays with the American Composers Orchestra, Brooklyn Philharmonic and New York Philomusica Chamber Ensemble. In addition, she appears, as needed, with New York City Ballet, Orpheus, American Ballet Theater and the Metropolitan Opera. She has recorded with Tony Bennett, Whitney Houston and Linda Eder and her movie credits include the scores for *The Departed, The Score, The Lady Killers, Alamo, Manchurian Candidate, Hitch* and *Last Holiday*. Gail also serves as Delegate to the United Nations representing the National Federation of Music Clubs.

TOM OLCOTT, trombone, has an M.M. from the Juilliard School, a B.A. in Philosophy from Yale and a J.D. from the Cardozo School of Law. He was admitted to the bar in New York and New Jersey in 1991. Tom has served on the orchestra committees of Radio City Music Hall, American Ballet Theatre, Joffrey Ballet and the Long Island Philharmonic. He has also been chair of the Freelance Concert Players Committee and chaired the Local 802 Trial Board from 1989-'95. He has freelanced with all of the Lincoln Center orchestras, the American Symphony Orchestra, American Composers Orchestra, Opera Orchestra of New York, Brooklyn Philharmonic and the Westchester Philharmonic, in addition to extensive work on Broadway.

ANDY SCHWARTZ, guitar, a Local 802 member for 34 years, has long experience on Broadway, including *Evita, Dreamgirls, Crazy For You* and *Flower Drum Song*. He has worked extensively in recordings and concert touring (18 years with Ashford Simpson, among others). Andy recently completed his music business master's degree at NYU and has worked in the copyright, business affairs, and A&R departments of Sony Music. He has also worked as artist manager and industry consultant. He is also a Theatre Committee delegate and member of the State of Broadway subcommittee. Andy was recently appointed to the 802 Executive Board by a unanimous vote. He had previously served on the Local's Trial Board (2000-2006).

BOBBY SHANKIN, attended the Juilliard School of Music where he earned a Bachelor of Music degree in 1967 and a Masters degree in 1968. In addition to countless clubdates, Bobby has worked extensively in the TV, jingle and recording fields. Among the many acts with which he has worked are Shirley Bassey, Tony Bennett, Hal Linden and Michel Le Grand. He has also done many Broadway shows. He was active with the Clean Slate movement in the early 1960s and the MEMBERS Party since the 1980s. He joined Local 802 Trial Board in 1993 and has been an Executive Board member since 2001. He has also served on the Executive Board's Live Music PR and Financial Oversight subcommittees.

ART WEISS, piano and synthesizer, has been an Executive Board member since 1993 and Single Engagement Committee Chair since 1986. Art performed and was entertainment director at the NY Playboy Club, from 1967 through 1981, and has accompanied and conducted for many night club and theatre performers, including television specials with magician Harry Blackstone. He studied music theory at Manhattan School of Music, piano with Joseph Prostackoff and John Mehegan, and composition and arranging with Hall Overton and Johnny Richards. Art's concerns include: challenges in our changing workplace; representation for all musicians, including those not frequently employed; and solidarity with other unions.

TRIAL BOARD CANDIDATES 2006

DEAN CRANDALL, bass, received his Bachelor of Music from Manhattan School of Music. He has been a Local 802 member for more than 35 years. Dean has performed with the American Symphony Orchestra, Brooklyn Philharmonic, Long Island Philharmonic, Opera Orchestra of New York, ABT, Joffrey Ballet, Orchestra of St. Luke's, among many others. He has worked on Broadway and off-Broadway and has subbed in dozens of shows. He has recorded extensively in both the commercial and classical fields. Dean has served as committee chair for the Long Island Philharmonic and the Radio City Music Hall Orchestra. He has been the Radio City Orchestra delegate to the CAC for five years.

SARA CUTLER is harpist with the New York City Ballet Orchestra where she has been on the committee since 2003. A graduate of Yale, she is also a member of the American Symphony Orchestra and a faculty member of the Conservatory of Music at Brooklyn College. She often performs with the Orchestra of St. Luke's and has been a soloist with both that orchestra and the American Symphony, among others. Before becoming tenured at City Ballet and ASO, she subbed for over two dozen Broadway shows and freelanced around New York in all forms of music. Sara played with the Metropolitan Opera Orchestra for ten years. She has recorded with Pat Metheny and has done many jingles and record dates.

AL HOOD, bassist, joined the Local 802 Trial Board in 1988 and has served as the chair of that body. He received his Bachelor's degree from Butler University in his native Indiana and earned a Master's degree from the Manhattan School of Music. Al has played for such well-known artists as Johnny Mathis, Paul Anka, Kai Winding, Al Cohn and Zoot Sims. He has performed with virtually all of the top NYC clubdate and society orchestras including Mike Carney, Peter Duchin and Lester Lanin. He is a long-time member of the Local 802 Clubdate Committee and serves as a delegate to the Coordinating Advisory Committee (CAC). As a candidate on the MEMBERS Party ticket, he is asking for your vote on December 5.

EUGENE MOYE has been ranked as "one of the foremost cellists of his generation" by the *New York Times*. He is the premiere cellist on the New York classical music freelance scene. Principal cellist of American Symphony Orchestra, American Composers Orchestra, Opera Orchestra of New York and Westchester Philharmonic, he also is sought after to play numerous chamber music concerts. He has premiered cello concertos with the New York Philharmonic, American Composers Orchestra and American Symphony Orchestra. Mr. Moye has recorded with or backed up nearly every popular music star including Michael Jackson, Brittany Spears, Ricky Martin, Tony Bennett, Ray Charles, Kiss, and countless others.

LANNY PAYKIN, cello, received a Bachelor of Arts degree from Wesleyan University and a Master of Music in cello performance from the Juilliard School. He maintains a diverse career in the New York area, appearing regularly with the New York City Ballet and the Metropolitan Opera as well as in solo and chamber music concerts. Lanny has performed as principal of the New York City Opera, NYC Ballet, Brooklyn Philharmonic, Long Island Philharmonic, American Composers' Orchestra and the American Symphony. He performs frequently on Broadway and has recorded on Premier Records and on the DRG and MMD labels.

LARRY RAWDON, cellist, has been an Local 802 member since 1978. On Broadway, he has played in over a dozen shows, his longest run being almost 17 years in the CATS orchestra. He toured nationally as the on-stage soloist in the dramatic play *The Elephant Man*. He is the current chair of the Theatre Committee, a position he has held since 1994. He participated in negotiations with the League in 1993 & 1998, as well as three with Disney (BVP) and two with Livent. Larry spoke before the City Council and met with legislators in Albany with the Unions for the Performing Arts. He served on the Coordinating Advisory Committee and the President's Legal Task Force that created the Legal Services Fund.

CARLINE RAY, Carline Ray, a native New Yorker, is a vocalist, bassist (electric and upright) and an adjunct professor at New School University in the Jazz and Contemporary Music Dept. She is a graduate of the Juilliard and Manhattan Schools of Music. She has been a member of Local 802 since 1945. As a concert chorister, she has performed with Leonard Bernstein and the Alvin Ailey American Dance Theater. As a bassist, her many jazz credits include work with the Duke Ellington Orchestra, Mary Lou Williams and Doc Cheatham. She has served on the Ethnic Minorities and Jazz Advisory Committees and was a member of the 802 Trial Board from 1989 to 1994 and again from 2000 through the present.

MARILYN REYNOLDS, violin, has been a highly respected concert and Broadway violinist for many years. She is a member of the Orchestra of St. Luke's and has performed with many of the other New York freelance orchestras and ensembles during her career. She has been concertmaster of countless shows, most recently, *The Pajama Game*, and will be performing in the orchestra for the upcoming production of *The Apple Tree* this season. Marilyn has been active with the MEMBERS Party since the early 1980s. She has been both an Executive Board and a Trial Board member in the past and she has served on the 802 Theatre Committee frequently over the past twenty years.

MICHAEL ROBERTS, piano, received his Bachelor's degree from the Oberlin College Conservatory of Music in 1973. He earned his Master's degree from Manhattan School of Music in 1977. Since that time, he has been working as a featured pianist and vocalist on steady engagements in various New York City hotel venues, among other activities. Michael has been a member of the Hotel Musicians Committee of which he has been the Chair from 1988 through the present and he served on four Hotel Musicians' contract negotiations for Local 802. He also serves as the Hotel Musicians' representative to the Coordinating Advisory Committee. Michael first joined the Local 802 Trial Board in 1990.

THE MEMBERS PARTY PLATFORM

The MEMBERS Party has a strong record of promoting enlightened negotiation, member involvement and effective administration at Local 802. We hope to continue our efforts to advance the interest of our members in the years to come.

WE PROMISE:

1. To **negotiate** and **administer** the best collective bargaining agreements achievable in cooperation with the musicians who work under them and with the guidance of their elected committees.
2. To **build** the strongest possible alliances with our brother and sister unions.
3. To **reach out** to the political establishment at city, state and national levels in an effort to advance the cause of live music.
4. To **develop** effective public relations programs to promote audience appreciation of live music and live musicians.
5. To **bring** as many musicians and as much musical employment as possible under Union contract.
6. To **strengthen** this Union by working to unite our members in all musical fields in common cause and mutual respect.

A L E T T E R F R O M J A C K G A L E

Dear Local 802 Members,

This will be my final year as a member of your Executive Board. After 18 years in office, I would like to thank you for your support in electing me over the past nearly two decades.

Until 1980, I had never considered involving myself in union politics and, even then, my interest was solely in working with such prominent 802 activists as Murray Rothstein, John Glasel, Bob Haley and other reform minded musicians, to create, at long last, a viable political alternative to the stagnant and ineffective Manuti and Arons administrations.

The eventual electoral success of the MEMBERS Party in 1982 was gratifying indeed, and led to working musicians on union boards, a truly democratic committee system, the end of mail elections, building ownership, an 802 payroll service, the Legal Services Fund, the Musicians Assistance Program, Local 802 involvement in the New York political scene and many other advances too numerous to mention.

When I joined the Executive Board in 1989, I had a chance to see the operation of our Union from the inside for the first time.

I am proud of the many musicians who have served this Union as board members and officers since 1983 and I am particularly grateful to the three remarkably gifted and committed people who ran with the MEMBERS Party and were elected to the 802 Presidency.

John Glasel, Bill Moriarity and David Lennon have all made enormous contributions to this Union and its members. All three have had their imperfections and each has been subject to criticism for one or another aspect of their presidencies. However, all three deserve the undying gratitude of every 802 member for the intelligence, dedication, courage and selflessness that they brought to the job of 802 president.

Today, very few 802 members remember the feeling of hopelessness which pervaded the lives of professional New York musicians before 1983, or the euphoria which replaced it when this local finally moved onto the enlightened and democratic path it has followed since that watershed year.

More recently, we have suffered much harmful division and we have witnessed a calculated and relentless attempt to undermine a brilliant and dedicated president.

I applaud the MEMBERS Party for supporting David Lennon because of his uniquely democratic leadership and I hope you will vote for him and the entire MEMBERS slate on December 5.

Sincerely,

Jack Gale
Jack Gale

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The Financial Issues (Part 2)

IN their ongoing attempt to inflict as much political, personal and financial damage as possible on President Lennon, the Concerned Musicians have recently claimed that Lennon owes the Union \$35,000.

This amount ostensibly refers to expenses the Union has incurred in re-filing certain Department of Labor (DOL) reports, providing information to the DOL and in modifying the Local's financial and expense reporting practices. How much, if any, of this amount is directly attributable to David Lennon is a matter of dispute, at the very least.

The Executive Board considered these expenditures necessary for several reasons. When the information about Lennon's 2005 credit card use was brought to the Executive Board by Bill Dennison in January of 2006, it became evident that the Union's 2005 LM-2 reports to the DOL would have to be re-filed. Had Dennison provided this information to the Board in 2005 instead of saving it for an election year political issue, the re-filings would not have been necessary.

In early 2006, Local 802 Counsel Harvey Mars told the Board that, because of the deep political division within the administration, decisions on how to handle the re-filings, the establishment of new financial procedures and the providing of information to the DOL should be supervised by an expert independent advisor. Mars recommended Larry Cary of Cary Kane LLP and the Cornell Labor studies program for this purpose.

The Board voted *unanimously* to retain Cary to review the facts and make recom-

mendations on the best way to proceed. Although Cary's report recommended overhauling Local 802's financial procedures, including general changes in report forms and new policies not specific to Lennon's credit card use, Lennon voluntarily agreed to pay for Cary's entire \$16,000-plus fee.

It was clear from Cary's report that the Local's financial procedures and expense report forms were inadequate and needed to be revised. Most of this work was undertaken by the Union's accountant, Stuart Kobrick. Kobrick's invoice constitutes a major portion of the \$35,000 in question and his itemization of these costs (see below) show that his work covered analysis of, and changes in, general procedures that were essential to the Union's financial policies.

The Professional Services itemized by Kobrick were:

- *Reviewed all American Express charges from 2000 to 2005 for all cardholders.

- *Reviewed all monthly expense reports, as submitted, from 2000-2005 for all cardholders.

- *Amended Form LM-2 for calendar year 2004.

- *Restated the Union's financial statements for the year ended Dec. 31, 2004.

- *Prepared an accounting of David Lennon's personal charges and repayments for calendar years 2003, 2004 and 2005 for publication in the Union's newspaper.

- *Attended various meetings regarding the above issues.

- *Assisted in preparing the revised Form LM-2 for the calendar year 2005.

- *Prepared the schedule of officers' expenses for the calendar year 2005 for publication in *Allegro*.

- *Attended various meetings with your [802's] attorney and officers regarding implementing procedures for American Express

credit cards, expense reimbursement, use of cell phones and check signing.

Kobrick's invoices covered work that Larry Cary believed was essential to correct earlier misfilings and amend the Union's financial policies. Most of it addressed existing inadequacies in the Local's procedures. Although these problems came to light because of the credit card issue, David Lennon did not cause them.

At 802's June meeting, a bylaw was passed which stated that "If any officer or employee shall be found to have charged personal expenses to the Local by misusing a credit card or by other means, the Executive Board shall recoup from such officer or employee such expenses and costs incurred by the Local as a result of such misconduct."

On October 3, the Board passed a motion that "The Executive Board shall take no action at this time with regard to invoking Article I, Section 5, paragraph ii of the Local's bylaws, based on the fact that no officer has been found to have committed misconduct by any duly elected trial committee and membership vote in accordance with Article V, Section 7 (d) of the Local 802 Bylaws." (This Bylaw establishes the procedures necessary to "find" an officer guilty of misconduct, and this process has not taken place.)

The June bylaw cited above bases the requirement for recoupment of expenses on an officer being "found" to have committed "misconduct." 802's existing bylaws set forth the process for charging an officer with misconduct and finding them guilty. Charges of misconduct for his credit card use were never filed against Lennon. Although the \$35,000 expenses have not been shown to have been *caused* by Lennon's credit card use, he has stated that he will pay any costs solely attributable to him.

MN

MEMBERS

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