

# The New Pitch

Volume 18 Issue 3

AFM Local 21

August 09

**The Official Bulletin of the  
AMERICAN FEDERATION OF  
MUSICIANS, Local 21, Inc.**  
2316 Baynard Blvd.  
Wilmington, DE 19802  
(302) 777-7780  
(302) 777-7757 FAX  
[www.AFM21.org](http://www.AFM21.org)

William, Berger, President  
[Bill.Berger@afm21.org](mailto:Bill.Berger@afm21.org)

John "Bips" Egnor, Vice-President  
& MPF Coordinator  
(302) 368-1636

Glenn Finnan, Secretary/Treasurer  
[Glenn@afm21.org](mailto:Glenn@afm21.org)

## Executive Board:

Ralph Buck

[Ralph.Buck@afm21.org](mailto:Ralph.Buck@afm21.org)

Don Brill

[Don.Brill@afm21.org](mailto:Don.Brill@afm21.org)

Sylvia Jackson  
[syljac@del.net](mailto:syljac@del.net)

Carlton Cannon  
[Carlton.Cannon@afm21.org](mailto:Carlton.Cannon@afm21.org)

Dan McDougall  
[Dan.McDougall@afm21.org](mailto:Dan.McDougall@afm21.org)

Joan Sparks  
[Joanflute@gmail.com](mailto:Joanflute@gmail.com)

Howard Griffith, Delegate-at-Large  
[hgriffy@aol.com](mailto:hgriffy@aol.com)

## MEMBERSHIP DUES GENERAL INFORMATION

**Regular Members** - \$36.25/qtr  
(\$140.00/yr.)

**Life Members** - \$18.50/qtr  
(\$69.00/yr.)

**Inactive Life Members** - \$17.00/qtr  
(\$63.00/yr.)

\*Life members who wish to become inactive life members may do so by notifying the local in writing. Inactive Life Members shall have all the rights and privileges of active members except that they shall not perform any professional engagements, vote or hold office.

## President's Message

Welcome to autumn!! I don't know where your summer has gone, but I know that it has been busy around here.

We have been working with the DSO players committee in preparations for negotiations with management in the coming weeks. The request by the KSO to re-negotiate their contract was denied by vote of the orchestra, and a lot of smaller but important items were also time-consuming. Glenn has been working very hard on researching comparisons of contracts and cost analysis of various proposals and ideas.

On the international scale, the big story right now is the Performance Rights Bill that is before the congress at this time. Tom Lee (Federation president) has sent several letters to the local presidents asking for support in any way possible. I guess the most important way to start the process is to give you as much information as I can about just what is going on (historically and currently).

Those of you who have been listening to the radio recently have probably heard at least one the many "spots" sponsored by the Association of Broadcasters and the Ad Council. They are trashing Performance Rights Act as a TAX. They seem to think that "off-shore" labels will be getting the money. In this message I will be using some text from our Federation president and some facts reported by the Nashville local # 257 President, Dave Pomeroy and their Sec/Treas., Craig Krampf (both are professional players--Dave a Bass player--Craig a percussionist).

In the cause of unity, I feel that you need to have some background on what is going on in Washington affecting all working musicians.

For more than 80 years, commercial radio stations have aired our music without paying ANY royalties to musicians.

*(continued on page 4)*

Am Fed. of Musicians  
Local 21, Inc.  
2316 Baynard Blvd.  
Wilmington, DE 19802

NON-PROFIT  
U.S. POSTAGE  
PAID  
PERMIT NO. 346  
WILM., DE

### **Late Payment and Suspension Policy**

Quarterly dues payments are due during the first month of each quarter (January, April, July and October). A \$1.00 fine will be imposed if dues are paid in the second month of the quarter. A \$2.00 fine will be imposed if dues are paid in the third month of the quarter

Members failing to pay dues by the end of a quarter shall be suspended and reinstatement fees will be imposed (consult Article 6 Section 2 of the bylaws). Failure to pay dues by the end of six months will result in termination of membership.

### **RESIGNATION PROCEDURE**

A member wishing to resign in good standing from Local 21 or any other Local of the AFM must do the following:

- Send a letter of resignation to the local
- Pay all financial obligations to that local, including the current quarter's dues.

Failure to follow this procedure will result in the member being dropped for non-payment of dues. This will jeopardize membership in all other locals of the AFM.

*You could advertise in the "Pitch", and be seen by musicians in DE, NJ, PA, MD, and further!*

Call or e-mail us here at the office for more information.

## **SECRETARY/TREASURER'S MESSAGE**

Hello from the Local office.

Times are interesting! The Local is facing the fallout of the bad economy, seemingly everywhere we turn.

Whether in current contract negotiations, dealing with existing contracts, or single-engagement situations, we are working to make sure that our members do not give up anything unfairly or without a good bit of due diligence on our part.

I'm happy to report that we successfully voted down a request from one local group to reopen their Collective Bargaining Agreement, asking to freeze wages. A good deal of research and preparation on our part helped make the convincing argument that the request should not be accepted. This might be a good place to remind all of our members about the important issues here. An existing contract should never be reopened unless there are a minimum of two essential factors: the request should be to solve a definite, clear financial crisis (and even then, any concessions should be considered loans, which would be "repaid" to the musicians later). The second factor is that there should be some sort of concession(s) from Management in order to make up for what the musicians would give up. Neither was happening in this case. Also, it should be recognized that fulfilling an Agreement applies to both sides. If the musicians have bargained in good faith, and may have already made concessions in drafting that agreement, and have been holding up their end of the bargain, Management must do the same.

We are especially mindful of all of these issues as we work on any contract negotiations. While we need to be realistic about the state of finances, it is the musicians' job to come prepared to rehearsals and concerts and to perform at the best of their professional abilities. It is Management's responsibility to go out and, enthusiastically and honestly, find the donors, sponsors, and friends necessary to keep live, high quality music going for their organizations. To cut is not to grow, to grow is to grow. From all that I have seen in our area, by both playing in and attending performances, all Local musicians have been more than upholding their end of this arrangement.

We should also be very mindful of how easily-replaceable professional musicians can seem to be in the eyes of certain Managements and Administrations. Professional musicians can be so good as to make difficult music seem easy (see Bill Berger's column in our last issue), to the point that "surely, it can't be that hard; anyone could do that". Then, they want to replace professionals with a student group or other amateur ensemble (or worse, use a CD). We at the Local will do all we can to combat this situation anywhere we see it happening. While the final decision is Management's, not ours, we will do all we can to put forth the benefits of having professional musicians as a part of any group's long-term healthy, growing strategic plan.

*Glenn*

**MEMBERSHIP INFORMATION**

**Address Changes:**

*Cochran, Liz:* 254 Conestoga Rd.,  
Wayne, PA, 19087; Home phone:  
(610) 964-7914 (same cell, e-mail)

**New Members:**

*Massie-Jean, Robin:* 5267 Candy Root  
Court, Columbia, MD, 21045; cell:  
(410) 446-7710; e-mail:  
[toady1up@gmail.com](mailto:toady1up@gmail.com);  
VIOLA/VIOLIN/PIANO

*Wong, Lyle:* 2328 Morelein Ave., #4,  
Cincinnati, OH, 45219; cell: (734)  
730-8733; e-mail:  
[lylecwong@gmail.com](mailto:lylecwong@gmail.com);  
CLARINET/BASS CLARINET/Eb  
CLARINET

**Resignations:**

*Knoblach, Joan*

**Rejoining Members:**

*Street, Beily:* 910 N. Bancroft Pkwy.,  
Wilm., DE, 19805; home phone: (302)  
651-0375, cell (302) 540-6053; e-  
mail: [bstreet@udel.edu](mailto:bstreet@udel.edu); CELLO

**Members Suspended 6/30:**

Cheng, Angie

**Members Expelled 6/30:**

Soukup, Catherine

**Members Reinstated:**

Arbogast, Paul  
Clark, Victoria

**The Delaware Symphony Orchestra, David Amado, Music Director**

Announces auditions for the following positions:

**Principal Bassoon  
Bass Trombone**

The Delaware Symphony is a per service orchestra with approximately 70 services per season.

Auditions: Bass Trombone will be held in early November 2009. Principal Bassoon will be held in early January, 2010.

All auditions will take place in Wilmington DE. We reserve the right to reject last-minute applications if space is not available.

Please send resume or letter to: Stephanie Wilson, Personnel Manager, Delaware Symphony Orchestra,  
P O Box 1870, Wilm., DE, 19899 (indicate on envelope position of interest).

**Reminder of last Local meeting for 2009:**

**We have one more membership meeting this year: Sunday, October 18, 2009 at 7 PM**

**Please come and make your thoughts known. The Local is only as good as the effort put into it by its members! See you then!**

\*\*\*\*\*

**President's Message** continued

In 1972, sound recordings became copyrightable but the performers were not affected. However, in 1995 the congress passed the "Digital Performance Right in sound recording" but applied only to new technologies; ie: cable, satellite, and Internet radio. This obviously left a large loophole for the benefit of AM and FM radio whose (loud) claim is that we could not exist without them playing our music. I would guess that we all have played for "experience" when we were getting started. This has to end when we start to work to live, to raise a family. This goes back to my previous commentary about the perception of us playing--rather than working. The broadcasters, 6500 strong, claim that they pay us through Promotional value.

The U.S. House (hr 848) and Senate (379) would require AM and FM stations to pay fees to artists, labels, MUSICIANS and singers. The NAB (Nat'l Assn. of Broadcasters) claims by reaching out to 235 million listeners we owe our careers to radio. They also like to say that most of the "TAX" (their word) would go to EMI, Sony, and Universal which are based overseas. This is a "believable lie" that is only partially true.

This bill is not an across the board fee. Based on the size and listenership of the various stations, seventy-five percent of music radio stations would pay only \$ 5000.00 or less per year to clear the rights for all of the music they will play. Some stations will pay as little as \$ 500.00. Non-commercial and public stations will pay \$ 1000.00 or less while talk radio and others that use incidental music and stations the broadcast religious music will be exempt.

The House Judiciary Committee passed this legislation on to the full House on May 13th by a vote of 21 to 9. This all sounds fair and logical to me but everyone does not agree. More than 200 lawmakers have co-sponsored the Local Radio Freedom Act, which oppose any new performance fee, tax, royalty, or any other charge on radio airplay. By this action you can see that this will not be easy, but it is long overdue.

I ask you to listen for some of these commercials (it should not take long to hear one) and reflect and research and discuss among yourselves the pros and cons (and fairness) of this legislation.

By the way, we are in terrible company throughout the world. Only North Korea, Iraq and Iran refuse to pay musicians for their recorded music.

There are many things going on here in the office and I almost feel that this problem is insignificant by comparison, but this affects thousands of our brothers and sisters. So in unity we all need to at least be aware of this legislation. The Federation is spending a lot of time, energy and money to get this passed.

If you have any questions please call me.

**PLEASE COME TO THE MEETINGS**