

TRANSFORMATIONS IN THREE AMERICAN ORCHESTRAS: AN ANALYSIS
OF LABOR, AGENCY, AND CHANGE

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ABSTRACT

A NEW FRONTIER: POLITICS, LIFE AND LABOR IN THREE AMERICAN ORCHESTRAS

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Orchestras across the United States depend on philanthropists and public funds and struggle to maintain balanced budgets as nonprofits. Consequently, it is common for orchestra musicians to struggle with job insecurity and financial uncertainty to some degree. While the industry is no stranger to labor disputes, the last decade marked a notable shift in the character of labor negotiations that caused an unprecedented trend of lockouts – the ban of employees to the workplace until a contract is reached. The orchestras that successfully reached a contract did not come out the other side unchanged; there was significant upheaval in the organizations both ideologically and structurally. My research explored the musicians' experience with lockouts and restructuring in the Minnesota Orchestra, Louisville Orchestra, and the Atlanta Symphony Orchestra. The findings from this research detail the common experience of locked out orchestra musicians, how orchestra musicians have effectively influenced changes to the organizational structure, and the nature of these structural and ideological changes. Methods included qualitative interviews and survey. This research contributes to the gap in the literature around the experience of the workforce in this industry, and to broader conversations of art performance as labor and the future of American orchestras. The

findings will be made available to select members of orchestra boards and administrations with musicians' consent in the spirit of improving understanding, communication, and operations in the orchestra.

TABLE OF CONTENTS

ABSTRACT.....	ii
LIST OF FIGURES	vi
List of Appendices	vii
INTRODUCTION	1
Background.....	4
Literature Review	9
The life of the orchestra musician.....	10
Complexities of labor relations in symphony orchestras	13
Coping with financial instability.....	17
RESEARCH DESIGN	21
Participants and Recruitment	21
Qualitative Interviews.....	22
Survey.....	24
Data Analysis	25
Coding and grounded theory generation.....	25
Other theoretical perspectives.....	27
Limitations and Potential Biases.....	28
Demographics	30
An Overview of the Lockouts.....	32
The Louisville Orchestra	32
The Minnesota Orchestra.....	37
The Atlanta Symphony Orchestra.....	41

A Pattern Emerges	45
RESULTS	48
An Effective Ensemble	49
Preparation is key	57
Staying together	60
Playing the field	62
"A New Frontier"	64
What more can a symphony orchestra be?.....	64
Closer to harmonious	69
The Toll of the Lockouts	74
Making ends meet	76
The impact of union-busting tactics.....	79
Overworked and underpaid.....	84
DISCUSSION	88
Closing the gap on ideological difference	88
"Not a panacea": Finding the balance.....	92
The broader context of modern labor	96
REFERENCES	100
APPENDICES	106

LIST OF FIGURES

Figure 1: Comparison of appropriations to the arts on federal and state levels 1970-2012.	5
Figure 2: How many years have you worked with your current orchestra?	31
Figure 3: During the lockout, what did you do to make ends meet?	78
Figure 4: Were you active in organizing and/or advocacy during the labor dispute?	51
Figure 5: Rating of organizational communication.	70

LIST OF APPENDICES

Appendix A: Louisville Orchestra Musicians Association (LOMA) Timeline of Labor Dispute	106
Appendix B: Letter from Louisville Orchestra CEO circumventing the collective bargaining process	116
Appendix C: Letter to ASO from Robert Spano and Donald Runnicles	121
Appendix D: Letter from Minnesota Lawmakers to MOA	124
Appendix E: Recruitment Protocol.....	129
Appendix F: Informed Consent form for interviews	131
Appendix G: Interview Protocol.....	133
Appendix H: Electronic consent form for survey	135
Appendix I: Online survey	138
Appendix J: Sample of coded data.....	143

INTRODUCTION

Recent years have seen American orchestras engage in bitter labor disputes. Union-busting strategies have garnered national attention, sparking a deeper level of cultural discourse around the value of orchestras, and the dollar worth of the musicians' labor. The context of these lockouts can be traced from the 1960s, when the National Endowment for the Arts was created to generate public support for orchestras, through the 1980s and the end of the Cold War when that funding diminished. In the late 1990s the managements of these orchestras – who typically come from a corporate background – sought to cultivate a conservative business model characterized by demanding hyper-productivity from fewer workers, creating obstacles to tenure, and undermining the union. Contract proposals by management became more extreme through the 2000s, slashing benefits, cutting wages, and shrinking the player base for the orchestra. This intensified existing rifts between management and musicians, and resulted in a trend of lockouts nationwide.

The Minnesota Orchestra, the Atlanta Symphony Orchestra, and the Louisville Orchestra experienced the most notorious of these lockouts. When compared, the timelines of the three lockouts have striking similarities, giving weight to the musicians' perception that the lockouts were employed as a complex union-busting strategy. This research is a descriptive ethnographic endeavor that explores the experience and perspective of the musicians in these three orchestras during and after their lockouts.

Methods included qualitative interviews with the musicians from the three orchestras, as well as an online survey designed to substantiate the data collected from interviews.

This research utilized a grounded theory approach, which occurs when data is systematically analyzed with constant comparison, starting with an inductive and exploratory approach and slowly building theoretical statements with new data. Through this process, the findings reveal that the musicians formed a uniquely cohesive and effective grassroots labor movement that mobilized political and cultural support, and ultimately affected the structure of their organizations. The musicians' agency in the organizations increased, with more influence in governance, and the structural barriers to communication that contributed to the lockouts were addressed with the institutionalized facilitation of dialogue.

The opening of dialogue between different facets of the organizations affected ideology, bringing the historically opposed sides of musicians and management closer together in vision. While the new structural paradigm is seen as generally positive as it gives the musicians more power in the workplace, musicians still feel financial, emotional, and physical impacts from the lockout and from the recent structural changes. Some musicians are skeptical about volunteering their labor for the organization, and others simply feel overworked.

In the current political and economic moment, as the National Endowment for the Arts is under threat of being dismantled completely, American orchestras need to carve a new path forward. Lockouts are still occurring, or are under threat of occurring in

orchestras today. There is potential for the application of the results of this research in helping organizations to become aware of structural issues and pre-empt their solutions before a major labor dispute becomes inevitable.

BACKGROUND

The orchestral profession in the United States has been characterized by insecurity from its advent in the late 1800s. Orchestras have limited earned income potential because there are only so many seats in a concert hall, the ticket price cannot rise beyond a certain amount, and they can only play so many concerts a year. Orchestras exist as nonprofit organizations that rely on a blend of public and private funding to operate - both of which can be difficult to secure, and depend heavily on local and national culture and politics. For example, conservative-leaning politicians typically allot fewer public funds to the arts than do liberals (Himmelstein 1984: 170). For traditional mainstream conservatives, it is simply a decision intended to curtail spending; for far-right leaning conservatives, it is also part of a cultural and political battle to "defund the Left" by eliminating what they understand to be a source of liberal activism and radical social change (173). Orchestras that exist in conservative areas, like the Louisville Orchestra, can expect to rely more on the generosity of philanthropists than from their local government.

The National Endowment for the Arts (NEA) is an independent agency of the federal government that allocates funds to artistic organizations and projects, including symphony orchestras. When Ronald Reagan took office as president, his administration proposed significant slashes to funding for the arts and social sciences (171). While they were unsuccessful in achieving the drastic cuts they had hoped for, funding allotted to the NEA has decreased and stagnated. The Republican controlled Congress pushed to

decentralize the funds normally appropriated to the National Endowment for the Arts and redistribute them to their uncertain and variable fate within individual states.

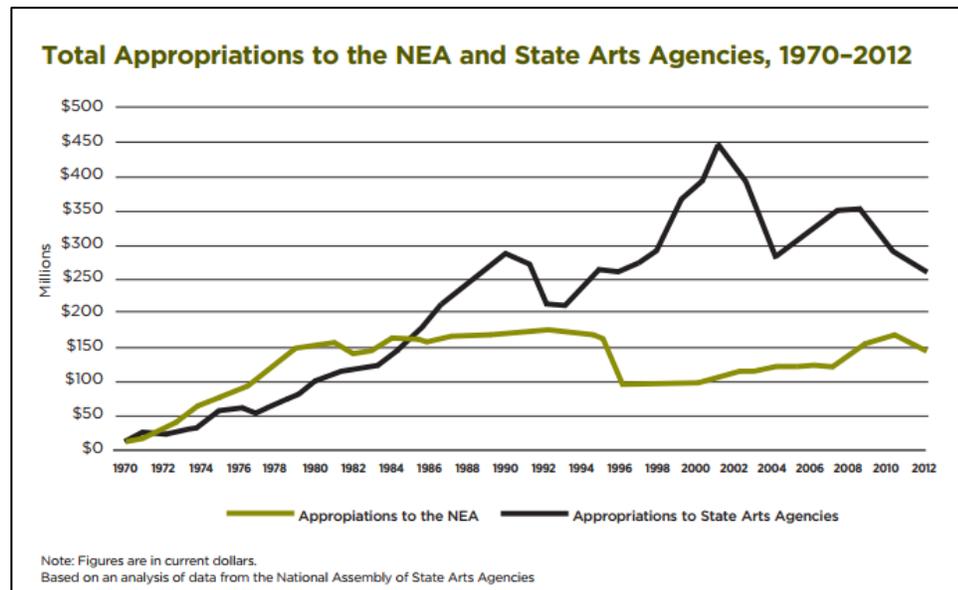


Figure 1: Comparison of appropriations to the arts on federal and state levels 1970-2012.

For orchestras, this has meant relying almost entirely on endowments, corporate sponsorships, and individual philanthropy to operate (Lehman 1999). The task of private fundraising development requires significant skill and creativity on the part of management, staff, and the board of directors (DiMaggio 2004: 168). To balance the budget in the face of a deficit, orchestras must either make cuts or diversify revenue sources. A crucial ideological difference between orchestra musicians and managements lies in this dilemma, and it has been well-documented as a source of tension: when presented with budget shortfalls, musicians generally propose fundraising efforts and diversified revenue sources, while managements, whose purported job was to support and

protect funding, instead propose cuts to staff, wages, benefits, and work accommodations (Freeman 1996: 18).

The dominant strategy of orchestras with unsustainable deficits is to shrink the budget by eliminating positions, shortening their seasons, and cutting the wages and benefits of musicians and staff (Merkle 2014: 184). Musicians have consistently made these concessions in contract negotiations as public funding waned, but it was generally promised by the organizations that concessions would be temporary, and were part of a broader plan to grow the organization. In the early 2000s, the nature of contract negotiations shifted considerably. Two interviewees in this study recalled precisely when the relationship with management and the board in their orchestras deteriorated:

"Once those drastic cuts started happening, we started not trusting the board and management. Before then, [in negotiations] we were handshaking, saying 'all good' and that was that. Then we started getting representatives involved; to my knowledge that didn't happen before. I was under the impression that, before, relationships were good enough that we didn't need outside help, but that quickly deteriorated once the cuts started happening in the late 1990s. After that and right up until the lockout it was just cuts after cuts. There was no long-term plan, like "We're cutting now but in 3 years we're going to start adding back" Sometimes we'd make concessions and we'd make cuts and we wouldn't even make it through the whole contract without them opening it to make more cuts. It was very discouraging. "

"Up until 1996 they were adding on benefits, adding on weeks of vacation ... after that it was always "mutual gains bargaining," you know - we'll do this for you if you do this for us. Since 2000, seems like that's when everything started getting cut away. Sick days, everything seemed contentious. When they said they were going to take away our portapotties, that was a little too much."

In the wake of economic downturn during the recession in the late 2000s, most professional orchestras agreed to concessions out of necessity; according to the musicians of the Minnesota Orchestra, they voluntarily gave up raises they had acquired in a recent contract after the housing market collapsed. In the 2010s, labor disputes and work stoppages became increasingly common and acrimonious as boards and managements “played hardball,” seeking further cuts with little to no flexibility or openness to counterproposals. The current decade has also been defined by an increase in the number of agreements ratified that include disparity terms for substitute musicians and grandfather clauses that provide degraded economic conditions for future musician hires. (McManus 2015)

Musicians in the orchestras included in this study report that managements became increasingly secretive or deceptive about the orchestra's financial performance, and it was a common comment that "there didn't seem to be a plan" for growing the budget or improving the orchestra beyond the cuts that were being made. In the buildup to the labor disputes, the organizations were quiet about the orchestra's financial performance, or assured them everything was fine, until the end of their contracts approached. "They sent us an email back in the summer to the effect of 'Everything's going great!'," regarding finances, one participant recalled, but shortly after they announced a deficit, and the number bloated into the millions over the next several months. In the new contract proposals proposed by these orchestra managements, they were shocked to find unprecedented cuts with little to no warning. The unionized musicians refused and proposed contract conditions of their own, but were refused even

with heavy concessions. At a standstill, the orchestras entered a lockout - the refusal of employees to the workplace until a contract is reached.

These labor disputes have occurred, and continue to occur all over the country in an unprecedented trend in the industry. “It used to be unthinkable,” an industry veteran recounted to me. “Lockouts never happened. Strikes happened, and it was considered a major strike if it went on for more than a few weeks. There had never been that level of confrontation and suddenly they were everywhere.” These lockouts have been notoriously vitriolic and controversial, prompting the media and the public to vocalize dissent or support as the issue sparks a deeper level of cultural discourse.

It has been suggested (and in my experience with participants, widely accepted) that these lockouts were a premeditated strategy – years in the making – that managements employed to coerce musicians into accepting contract terms with financial hardship (Kahn 2006: 10). From the musicians’ perspective, beyond their opposition to union-busting strategies, broad-spectrum cuts to an arts organization does not fix the problem:

“I’m not somebody who subscribes to conspiracy theories about the League of American Orchestras being this shadowy organization, but it was immensely clear in 2012 that a lot of orchestra managers had decided on this joint theory of what was the thing to be done: lock out musicians and refuse to budge until you got every single thing that you wanted. And most of what they wanted was massive slashes and cuts. And from our perspective, what seemed to be the major flaw in their thinking is there didn’t ever seem to be a plan beyond making lots of money. They all talked about new “business models” - that was the buzzword for a decade - but the new business model seems to be the exact same model, just with everyone making less money, which fixes nothing. That’s just taking your baseball team from a major league to a minor league team and then expecting that to solve your financial problems, but really all that does is

tell your donors "Okay so we don't need that much money." so the donor base gives less and then you have the same problem.”

While the malicious and controversial disputes attracted media attention in newspapers and blogs, the perspective of the musician was not given much coverage; some musicians believe this is due to the influence of board members and their relationship with news organizations. In academic literature, modern orchestras are most often discussed as case studies in arts management practices – labor relations and the lives of musicians are rarely discussed, except to point out that more research is needed (Freeman 1996: 27).

Literature Review

The results of this research discuss recent shifts in the nature of work-life and labor organizing among orchestra musicians in the United States, which should be properly contextualized in the history of the United States musician labor movement, the nature of orchestra finances, and the career lives of musicians generally. This literature review will give a brief overview of orchestra life and labor in the United States. The body of research that currently exists around this topic includes perspectives on symphony musicians' lives in general, the problems of symphony labor negotiations, and analyses on the financial viability of various orchestra organizational models. There is some (though very little) discussion of the recent trend of lockouts from an arts administrative perspective, but not from the perspective of the musicians. An anthropological perspective to analyzing organizational dynamics was deemed necessary

by social psychologist Jorges Czarniawska (1992) for “an interpretation of organizational processes from the standpoint of the actors involved, collected and retold” (4). This research adds to the literature a much needed human component, revealing ideologies and hidden social structures, to what is currently discussed as an economic problem.

The life of the orchestra musician

A professional musician’s career begins to bloom at an early age, usually around 5 years old when a child learns their first instrument (Bennett 2008). Over the course of their lives, musicians pour thousands, even hundreds of thousands of dollars over the course of their lives into private lessons, instruments, repairs, insurance, music school, and instrument maintenance (146). After achieving a higher level degree in music performance from a college or conservatory, musicians come to a crossroads where they must choose to what degree they will pursue their musicianship as a profession. Some will work as accompanists, others will become gig musicians, teach privately, or work at a college. The most ambitious among them choose to pursue the arduous and frustrating task of auditioning for open positions in orchestras.

There are upwards of 1,200 orchestras in the United States, but the majority of them are community orchestras – they do not pay salary or benefits, and they do not play a full 52-week season, but offer a modest wage per service. There are 52 member orchestras among the ranks of the International Conference of Symphony Orchestra Musicians (ICSOM), a Player’s Conference of the American Federation of Musicians (AFM). These 52 orchestras are where an aspiring professional musician could expect to make their career. There are usually only a handful of positions open between all of them

every year, and the openings are advertised in the *International Musician*, the journal for the AFM. The competition is fierce, and is not limited to freshly graduated music students; there are orchestra musicians looking to move between orchestras and professional musicians looking to make a career change as well. It is difficult to be competitive in the field if you have a job, Halpin (2006) points out, because you need to practice excerpts at least eight hours a day (12) to adequately prepare for an audition. A musician should be prepared to have savings, or to live with their parents, for the duration of the audition process, and spend money to travel to the audition process, where they may only play for 30 seconds in front of a panel of judges. "It needs to be the best damn 30 seconds you've played in your life, and you still might not advance just because of some arbitrary definition of 'style'," one musician told me.

When a musician finally wins an audition with an orchestra, their positions are not secure by any means. Insecurity has characterized the orchestra musician profession from the beginning of charter orchestras in the late 1800s (Westby 1960: 223). The organization's financial situation lies in the hands of the competence, diligence, and vision of the organization's board of directors, who typically lean first towards cutting salaries and positions in the face of financial struggle. To adapt to the financial insecurity inherent to symphony orchestra position, it is overwhelmingly common for musicians to diversify their income by teaching private lessons and playing gigs with small ensembles (Bennett 2008: 18). In her book documenting the career lives of classical musicians, Bennett argues that musicians have considerable collective and individual agency in the face of structural failures on the part of orchestra organizations. Orchestra musicians are

no stranger to adaptation; they must be flexible and creative to ensure financial security. This quality perhaps lends itself to their fortitude and strategizing in labor disputes. However, the downside of the extra work adds stress that contributes to dissatisfaction with their orchestra career (Abeles 2014: 35).

The nature of the group life of orchestra musicians has also been well-researched from an organizational behavioral perspective. Judy (1995) details characteristics of social relationships in symphonic organizations. A symphony orchestra is a unique work structure in that it requires small teams working together in real time as part of a larger group under the direction of one conductor. He describes the homophylic aspirations of the musicians and staff to create and share beautiful music with the world and how a deep associative bond forms in the collective effort to realize these aspirations (17). The musicians themselves share "propinquity," or a kinship from the repeated collaborative, joint, simultaneous production of unified sound, created on the foundation of the shared background of a typical symphony musician. In contrast, the physical and communicative separation of musicians and the administration contributes to the "othering" and social stratification of orchestra organizations that is so pervasive.

Orchestra musicians are professional collaborators. They must work together in their own section, between sections as a whole, and as the whole orchestra with the conductor. They all come to their profession through the same channels, sharing the same experience and the same teachers. This collective history, combined with the repetitive and collaborative nature of their work, fosters an organic solidarity between the musicians that has contributed to their effectiveness as a labor movement.

Complexities of labor relations in symphony orchestras

When discussing labor relations and unions in the United States, orchestra musicians do not readily come to mind, but the legacy of the orchestra musician labor movement goes back almost as far as the profession itself. In 1896, musicians organized in Indianapolis to offer union protections for all musicians that were paid for their services, and the American Federation of Musicians (AFM) was established, quickly growing to a national union (Seltzer 1989). The major battles of the AFM in the 20th century involved protecting the rights of musicians in the face of new technologies. For example, 20,000 musicians lost their jobs after it became irrelevant for a live orchestra to play with silent films. When recording technology became more accessible, companies began to acquire recordings of the orchestras instead of hiring the orchestra. In response, it was the AFM that established a system of royalties for recordings (Peterson 2013).

The AFM, in that it served all paid musicians generally, did not meet all of the specific needs and protections that symphony orchestra musicians needed. Specifically, orchestra musicians needed to address salaries, work conditions, contract problems, a union pension fund, fair audition practices, and the inclusion of attorneys in collective bargaining negotiations (Ayer 2005: 61). The International Conference of Symphony Orchestra Musicians (ICSOM) was established as a conference of the AFM in May 1962 to extend specific support for unionized orchestra musicians.

Dubler (1989) covers the many complex legal and social problems that musicians face within labor law that arise from both federal and state levels in regards to recording

and complications regarding the AFM and the particular limitations it imposes on working musicians. Anti-union laws such as “right-to-work” legislation combined with a buyer’s market in music performance have eroded the union’s strength (33). Technology, particularly pre-recorded music and synthesizers that mimic orchestral sound, are threats to symphony orchestras as organizations seek to cut back on expenses. Dubler argues that the elimination of such “right-to-work” legislation on the state and federal levels would be helpful, but is unrealistic; exemptions to these laws similar to those in agricultural industries would be a good start (76). The difficulty lies in convincing the public that musicians actually need help: the public views them simultaneously as lazy, artsy types that do not deserve help, and additionally as entertainers to millionaires, so they don’t need help.

Labor negotiations have always been a unique struggle for orchestras. Edward Arian (1974) remarked on how the issues around labor negotiations are different for symphony orchestras than in other fields. First, you can't raise the price of tickets, so earned income is likely to be stagnant while costs rise. Second, the board of directors for performance arts organizations are sometimes stricken with "nonprofit syndrome," in which they feel that they, as generous donors of their time and resources, are engaged in a labor of love, and so the musicians should be; any complaint on the side of the musicians is perceived "greedy" (183). After all, they should be so grateful to be "doing what they love!"

Labor disputes are affected by the nature of the dynamics and interactions of social structures. There are six major structures in an orchestra: (1) the board of directors,

whose role is to secure funding for the organization, oversee the management of funds, determine the mission and vision of the organization, and hire a CEO capable of carrying out the mission, (2) the CEO, (3) Staff, including artistic, marketing, and development staff, personnel managers, and stagehands, (4) the music director, who determines repertoire, (5) the conductors, who lead the orchestra in rehearsals and concerts, and (6) the orchestra itself. The orchestra is further divided into smaller group structures divided by instrument and instrument type into “sections.”

The bitter nature of negotiations is symptomatic of the ideological fissures and hierarchal structure separating them, solidified by institutionalized barriers to communication that effectively “other” the two groups. The parties involved in these labor negotiations are the musicians and management. An undercurrent of suspicion and mistrust plagues negotiations as the two groups see the others' perspectives as the embodiment of misinformed policies and practices (Freeman 1996: 27). Musicians and management have historically been opposed ideologically. In the face of a mounting deficit, musicians propose (and volunteer to organize) fundraising efforts, while management propose cuts to salaries, positions, and benefits. These two groups come from very different life experiences, so in negotiations, musicians are concerned with maintaining artistic quality much more so than those across the table (Glynn 2000: 287). Negotiations are further complicated by the involvement of the American Federation of Musicians (AFM), benefactors, local government officials, the International Conference of Symphony Orchestra Musicians (ICSOM), and the public, all of whom have a stake in the orchestra's future to some degree. Kramer and Messick (1995) add that negotiations

do not occur in a vacuum, that they are a social process. The baggage of strained relationships and ideological clashes, combined with power dynamics and group identity contribute to the character and outcome of labor negotiations in symphony orchestras.

The articles discussed in the literature review so far have covered orchestra labor relations as they have been historically, but not as they pertain to recent disputes. Kahn (2006) discusses the lockouts as exercises of power in by increasingly anti-union managements. Almost all professional musicians are unionized, so it would be incredibly difficult to go about hiring an entirely new orchestra. Kahn asserts that managements use lockouts as a union-busting strategy. From his perspective, there are two steps to this strategy: First, managements intentionally propose contracts with drastic, unreasonable pay cuts and downsizing that they know the unionized workforce will not agree to. Second, they remain inflexible to counterproposals, even when significant concessions and fundraising efforts are proposed, prompting the lockout. The lockout will force musicians into a financially desperate position and degrade morale until they finally accept the contract that aligns with management's vision.

The study that most closely resembles my research was conducted by Pope and Sousa (2014) from an arts management perspective. They analyzed several labor disputes to determine their causes via media review and interviews with some members of orchestra managements and musicians. He delineates between four "models" of how financial hardship has been experienced – a long-term lockout (Minnesota Orchestra), a long-term strike (Detroit), a short-term strike (San Francisco and Chicago), and an orchestra in financial trouble, but no work stoppage (Nashville). Pope concludes that the

key precipitating factor for labor disputes in struggling orchestras is mismanagement of funds, a lack of transparency and respect for musicians, and disregard for best practices (88).

Clawson and Clawson (1999) discuss the decline of labor unions' strength and political sway as a result of globalization, the fragmentation of unions to be company-based as opposed to industry-based, neoliberalism, and anti-union laws backed by corporations. For unions to continue to protect their workforces, they argue, creative solutions must be adopted, such as community organizing, which can be seen in the case of these orchestras. Atlanta and Louisville were only able to end their labor disputes through mediation. Newman (2013) argues that it is regressive to both musicians and management interests to rely on adversarial litigation; it is simply too combative and bitter to be productive. In mediation, a mutually agreed upon, neutral industry expert is hired to reframe issues and provide suggestions.

Coping with financial instability

Substantial research has been conducted on the plight of the modern orchestra to achieve financial stability. Orchestras, before the 1920s, were typically fully funded by one or several generous philanthropists (McCarthy 2001: 77). It was not until orchestras grew to high costs that the modern nonprofit model developed, in which a board of directors is empowered to oversee the financial health of the organization. The performing arts are not capable of supporting themselves as a business – there is a ceiling for how high ticket costs can be, and how many seats in a performance hall. The establishment of the NEA and the Ford initiative aimed to keep symphony orchestras and

opera companies afloat despite their inherent financial limitations (78). For decades, the revenue pouring in for arts organizations became more abundant and diversified, but in a 2000 study, Cherbo and Wyszomirski found that after the political conflicts over continued support for the NEA in the 1990s, these revenue streams that had flourished became fragmented. Policies concerning the arts entered a new paradigm that broadened to encompass not just “high art,” but popular, unincorporated, commercial forms (13). Arts organizations became intrinsically tied with larger societal goals; orchestras no longer are simply there to serve their community, they also need to contribute to economic prosperity, educating the citizenry, and “helping to define American identity” (17).

Surpluses are elusive for symphony orchestras. In a study averaging the financial state of orchestras from 1987-2000, Lubow (2004) found that the financial balance for 63 large U.S. symphonies were in deficit. Of those, 46 averaged deficits, and 17 averaged surpluses. General economic conditions have powerful influence over the financial health of orchestras (Flanagan 2012: 2). Surpluses are more common when the general economy is good, and deficits run large when the general economy is down. However, some orchestras manage to enjoy relative security as they strike a good balance of a competent board of directors, government funding, and private support from individual philanthropists, businesses, and foundations (3).

The most commonly perceived problem that symphony orchestras face is that the audience - and donor - base is aging and will not be replaced by younger generations. It has been long thought by sociologists that as the number of older, wealthy elites decrease

– the population that uses art as cultural capital most frequently – audiences will shrink dramatically and arts organizations will collapse. DiMaggio (2004) found the issue to be more complex. Yes, arts participation is down in the most high-brow activities, such as traditional orchestra concerts, but has risen substantially in middle-brow arts activities, like jazz concerts. The past decade has seen a substantial uptick in literature on how the orchestra can make changes to their services to reach different populations and secure an audience for the future.

Wang (2003) argued that while age is not a significant determinant of concert attendance (91), orchestras are clinging to outdated branding and ticketing options that don't appeal to younger audiences. Merkle (2014) describes how orchestras have dragged their feet on updating their model of operations despite significant changes in the lives, leisure activities, and demographics of Americans since the 1980s. Orchestras, until recently, have not pursued diverse audiences, attempted new concert models, or rebranded themselves to make themselves less elitist and more accessible. While evidence shows that performing the popular classical repertoire, like Beethoven's Ninth Symphony, will increase ticket sales (Pompe, Tamburri, and Munn 2001), it does nothing to bring in new audiences.

Much of the literature discusses the "crisis" of American orchestras, catastrophizing the financial position of arts organizations and lamenting the "death" of classical music. Many have proposed silver bullet solutions to save symphony orchestras from certain extinction, usually flashy presentations of "new business models." The rhetoric in the media reflects this fatalistic and commonly held sentiment, and the belief

that American orchestras are in their last days permeates public thought. Orchestra organizations themselves use the rhetoric to secure donations and subscriptions "to ensure the survival of the orchestra." Former president of ICSOM, Bruce Ridge, argues that the focus on the unsustainability of orchestras is not an objective truth, but self-fulfilling. Donors and corporate sponsors are scared off by the negative spin of the rhetoric; no one wants to invest in a losing battle.

RESEARCH DESIGN

This study used qualitative research methods to collect the experiences of orchestra musicians in the Atlanta Symphony Orchestra, the Louisville Orchestra, and the Minnesota Orchestra in regards to recent labor disputes and organizational changes. There were two phases to this research: first, qualitative interviews were conducted. Second, using the data collected and analyzed from the interviews, a survey was distributed to either substantiate or add nuance to data collected in the interviews. This study complied with protocols approved by the Humboldt State University Institutional Review Board (approval # 15-152).

Participants and Recruitment

The participants for this study were musicians in the three orchestras who were employed by the orchestra both during and after their respective lockouts. Recruitment for interviews was initially through several members of the Louisville Orchestra that I had known prior to the beginning of this study. These musicians were able to give me recommendations of people that they believed would be interested in participating both in their own orchestra and in the other two orchestras. I contacted potential participants via email with a detailed description of the study and what participation would entail (See Appendix E for recruitment wording). From there, recruitment was a snowball effect, as participants would refer me to new contacts. Throughout their careers, musicians may move between orchestras a few times, or substitute for ill or vacationing musicians in

other cities. Even if they aren't connected directly, many usually have mutual teachers or colleagues. There are few complete strangers in the symphony orchestra community, and perhaps due to this, nearly every musician I contacted responded positively. Recruitment for survey was also by email but was less successful than recruitment for interviews.

Qualitative Interviews

This study utilized semi-structured informal interviews that took place between March 2016 and January 2017. The names and identifying details of the participants have been anonymized for confidentiality. Before starting the interview, the study and its purpose was discussed, and an informed consent form was presented and explained for the participant to read and sign (See Appendix F for interview consent form). Consent to record the interview was given verbally before and after the recorder was turned on. The interviews ranged from 45 minutes to two hours, for a total of 17 hours of interviews. 16 of the interviews were digitally recorded and transcribed. One interview was recorded, but not transcribed due to technical difficulty.

The location for the interviews were chosen by the participant, so some interviews were held in public at coffee shops, and others at the participants' homes. All together, of the 17 interviews were conducted, 8 were with Louisville Orchestra musicians, 5 with Minnesota Orchestra musicians, and 4 with Atlanta Symphony Orchestra musicians. Interviews were conducted with individuals with varying years of career experience in to achieve an array of opinions and experiences.

The interviews were informal and semi-structured, meaning that they were not dependent on a strict list of questions. Instead, I followed an interview protocol framed around predetermined topics that were informed by a literature review, such as 'programming' or 'life during the lockout' (Byrne 2013: 220). The questions asked were mostly (but not always) open-ended, to allow for a conversational flow and to make room for detours and explorations of other topics. After several interviews, I began to diverge from my initial interview protocol as some topics appeared to have less importance, such as 'new programming', while new, more prevalent topics emerged such as 'political organizing' and 'health.' The topics discussed were unscheduled, meaning that they not in any particular order, but following my interview protocol, a few introductory questions were asked first to break the ice. After those, I tried to allow the conversations to be driven by what the participant perceived as important to discuss. (See full interview protocol in Appendix G)

The interviews resulted in the collection of information about what the musicians' lives were like before, during, and following their lockouts. While it was not intended to be a collection of chronological narratives, participants tended to tell a linear story of how the orchestra career was different in past decades, the hardship and trauma of the lockout, their organizing strategy to fight for contract terms, their participation and attitudes towards structural changes, and their hopes and concerns for the future. While there was some variation in the topics discussed due to the informal nature of the interviews, there was considerable consistency in what the participants wanted to discuss.

Survey

While the interviews were in-depth and data-rich, given the population size of the orchestras and the recruitment method I utilized, there was a risk that the data would not be representative (Seale 2012: 183). To mitigate this limitation, a web-based survey was created based on emerging themes from the interview data. An email detailing the study, its purpose, and a link to the survey was sent by email to every musician employed by the three orchestras. To acquire informed consent, the first page of the survey was an electronic informed consent form; to access the survey, the participant had to select an option that stated "By selecting 'I agree' I have read and understood this consent information, and agree to participate in the survey." (See survey informed consent form in Appendix H) The survey itself was designed with a mix of multiple choice closed-ended questions and long form response open-ended questions (See Appendix I for full survey). The survey data used in this study were collected between December 6, 2016 and January 31, 2017. The survey was not delivered to interview participants to avoid redundant responses.

A common dilemma in survey design is the desire to collect a lot of information while still attaining a high response rate. Surveys that are too long tend to fatigue respondents and result in lower response rates (Galesic, Mirta, and Michael Bosnjak. 2009: 358). By designing the survey around the preliminary codes established from the data analysis from interviews, the length could be short while asking the most relevant questions. The survey could be completed within an approximate timeframe of 15

minutes. Other measures were taken in the development of the survey to encourage a higher response rate. The multiple choice questions also included an open-ended response space to allow for further elaboration if desired, but not required. The survey did not require that the participant answer all, or any one question, which resulted in some respondents skipping certain questions. There was no time limit imposed, so the participant could leave the survey and come back to it at a later time, if they wished.

Data Analysis

Thematic coding is a method of sorting data systematically into descriptive, meaningful 'codes', based on the prevalence of small bits of information or words in the data (Rivas 2012: 367). These codes can be analyzed by the context in which they appear, their overlap, and can be used to develop abstract concepts to build on the grounded theory approach (368). For my research, interview transcripts and survey responses were coded in rounds. First, using open coding, "in vivo" or preliminary codes were defined and revised with each new set of data in a "zigzag" approach (379). Generally, each new interview or survey response would be coded as they were completed, though there was some variation. (See Appendix J for example of coded data)

Coding and grounded theory generation

The trend of work stoppages, labor disputes, and sour battles between orchestra musicians and management is so recent that I determined that to impose a theory onto data analysis would be confining and potentially erroneous. Grounded theory is a method of theory generation through theoretical sampling and constant comparison (Seale 2013:

396). This approach helped my research discover new research topics and let go of ones that became less relevant. For example, at the outset of this study, one of the important topics that I wanted to touch on was the impact of organizational change on musicians. In the first series of interviews, I collected data relevant to that and appeared to support my decision to focus on it. In the subsequent rounds, it became clear that the impact on the musicians was not the important question – it was "how did musicians influence organizational change?" Had I waited until I finished data collection to ask those questions of my research, such grounded theorizing could not take place.

After each interview was completed, the recording was promptly transcribed word for word using the oTranscribe software application. Coding was performed in rounds with each new transcribed interview, beginning with open coding. In initial readings of the data, every few lines I wrote a short memo or keyword encapsulating what those few sentences were about. Each interview was transcribed and open coded before the next interview was analyzed. and categories will be continuously revised to reflect emergent trends in the data. Over time, this led to concrete, defined themes and abstract concepts. After I established key themes, such as “collective organizing,” the relationship between the codes and the contexts they lie in within the data, and the relationship between the codes from the entire data set. The abstract concepts generated by the themes identified in this process will provide the theoretical lens through which the data was interpreted. For analysis of the survey data, coding was utilized for the long-form responses and summary data was acquired and analyzed for correlations through Google Forms.

Other theoretical perspectives

In data collection and analysis, though I did not impose an existing theoretical lens, there are theoretical undercurrents that acted as foundational bases and pretenses for this study. The two paradigms that influenced this research design the most were poststructuralism and social cohesion, and they address the impact of structural forces, group life, and individual attitudes, values, and social roles.

Post-structuralism exists as a modification of the structuralist paradigm. The most prominent figure, Foucault, rejected the rigid, universal rules surrounding structures; instead, he proposes the episteme or an overarching framework situated in time. This made the concept of the structure more accommodating to reflexivity and the historical particulars of a culture. His work was primarily focused on the relationship between knowledge and power, as analyzed through these epistemes that inscribe power relations and ways of knowing on the social network within it. Both structuralism and post-structuralism have been critiqued for minimizing the importance of human agency. The perspective in this study found a middle ground for this, incorporating the post-structuralist framework that acknowledges the structural impact of the workplace and the union on musicians, while also recognizing the role of perception and agency in individuals and social groups within the organization.

Complementary to poststructuralist theory is the theory of social cohesion. Orchestra musicians are a group that is characterized by a high level of social cohesion, both in individual orchestras, and between orchestras (Glynn 2000). Each musician belongs to a "section" in an orchestra, the orchestra as a whole, and the American

Federation of Musicians, the national labor union for orchestra musicians. Though most musicians may not know each other directly, there is a mutual understanding and solidarity that is compulsory from holding the same exclusive position.

Limitations and Potential Biases

Personal bias is a consideration in any research endeavor. It is impossible to remove oneself completely from their own perspective to become truly objective, so instead in this study I practiced reflexivity to stay aware of where my own perspective leaked into the study's design, data collection, and results. I personally have a family member who is an orchestra musician, and I have known several individuals included in this study personally as acquaintances for years. As such, there is the risk for my personal feelings about lockouts, knowing the hardship that these acquaintances faced, to skew my results towards highlighting (and perhaps exaggerating) the plight of orchestra musicians and creating a "David and Goliath" narrative.

There were few barriers to this research in the recruitment process. Participants seemed to be interested – and relieved - that there was an interest in their perspective specifically, over those of management and the board. However, as I came to find out, musicians lead very busy lives, often working upwards of 60 hours a week between teaching privately, teaching in schools, performing, rehearsing, and practicing. While many musicians were interested in speaking with me, scheduling a time to meet for an interview or even speak over the phone was difficult which limited my overall population size. Originally, I had intended to interview with around three musicians every two or

three weeks, spread out evenly over the course of the research. However, the actual schedule of interviews was more chaotic. During the concert season, participants were more likely to agree to meet during a "dark week," or a week with no concerts, which led to perhaps no interviews for a few weeks, and then three in one week.

In data collection, few problems arose, but I did run into two issues. Most of the interviews took place either in a coffee shop, or in the participants' home. Normally the coffee shops had minimal background noise, but occasionally there would be a particularly noisy group at the adjacent table, or it would be a peak busy time. If the participant had a strong voice, it was possible to process the interview with the software Audacity. If the participant was very mild-mannered and soft spoken, transcription was difficult and there are chunks of the interview that are simply unsalvageable. To mitigate this, I wrote down notes on the conversation and tried to retain detail of the conversation in field notes, but unfortunately, I could not transcribe and code the interview in the same thorough manner as I did the other interviews.

Another issue in data collection was low survey response. I distributed the survey to each musician in the three orchestras, for a total of 225 musicians. The survey received only 36 submissions. I can only speculate the cause of the low response rate, but it could possibly be attributed to the survey being administered in the middle of the season, and close to the holidays, when there are a lot of extra gigs to be picked up. Fortunately, the survey participants took advantage of the long-form response sections to provide detail. There is the possibility that orchestra musicians who feel very passionately about the lockout and changes to the orchestra were more likely to respond to the survey, which

could skew the data. Fortunately, there seems to be enough diversity in the responses to suggest that this is not the case.

All of the data reported by the musicians about the lockouts themselves is self-reported, and may or may not reflect the most accurate, unbiased versions of events. Individual interpretations of interview and survey questions may have affected responses. Further, recruitment for interviews was via the snowball effect, which can skew the sampling towards individuals with similar perspectives.

Finally, I was born and raised in Louisville, Kentucky. Due to my roots here and my connections to musicians in the orchestra, I know significantly more about the intimate details of the orchestra and lockout in Louisville than I do Atlanta or Minnesota. As such, the sheer amount of data and background information I obtained for Louisville could bias my results towards the experience of Louisville musicians. However, I found that in my comparative analysis that the similarities between the three orchestras and the musicians' experience were so striking that I have confidence that it did not affect the validity of my results in any way.

Demographics

Among the 17 interviewees, the ages spanned from early 30s to late 60s, 10 were men and seven were women, and the time with the orchestra spanned from five years to 33 years. The survey did not ask respondents for their age or gender, but the length of time with the orchestra was. On average, survey respondents had been with the orchestra for 18.24 years, with the lowest time being six years, and the longest time being 39 years

(see Figure 2). All participants were under the employment of one of the three orchestras included in the study at the time of their participation.



Figure 2: How many years have you worked with your current orchestra?

AN OVERVIEW OF THE LOCKOUTS

Each of the orchestras included in this study are similar in that they endured what the industry considered to be some of the most extreme lockouts, both in length and in controversial union-busting strategies pursued by the organizations. There are variables that influenced the lockouts, including local support, state laws, and the size of the orchestra. This background information is intended to give a cursory overview of the events of the lockouts, which will aid in contextualizing the results of the study. The information presented is a combination of news reports, press releases, publicly available information, and the accounts of musicians. (See Appendix A for the official timeline constructed by the Louisville Orchestra Musicians Association). While I have done my best to give a fairly comprehensive and accurate account of each lockout, there is no officially sanctioned, "objective" version of events.

The Louisville Orchestra

The Louisville Orchestra is a mid-sized orchestra in Louisville, Kentucky. In 2009, the orchestra employed 77 full-time musicians with a 38-week season. In August of 2010, Louisville Orchestra Incorporated (LOI) requested to open the musicians' contract and the cancellation of one week of concerts citing a \$250,000 budget shortfall. By October, that estimation rose to \$750,000, and then to \$2 million, despite communication to the musicians earlier that summer that the organization was financially stable. In response to this news, the Louisville Orchestra Musicians Committee (LOMC)

independently hired fundraising consultants to assess the viability of reducing the deficit and organized fundraising initiatives. After a quoted estimate and a rigorous fundraising initiative proposed by the musicians to the CEO, Rob Birman, denied the fundraising effort. The LOMC then suggested that an outside industry expert be brought in to make recommendations, along with fundraising efforts to help reduce the budget shortage. Michael Kaiser, commonly known as the "turnaround king" for his ability to help struggling arts organizations bounce back from the brink of bankruptcy, was brought in on a conference call by the LOMC with the CEO of the orchestra. He offered to provide assistance and guidance pro bono, an offer the CEO declined (Louisville Orchestra Musicians Committee 2012). The active denial of fundraising and of outside input was frustrating and boggling to the musicians, but when the orchestra filed for bankruptcy, the motivation became clearer, as one participant explained:

"The board had already determined that they were going to declare bankruptcy, so they didn't do any fundraising or anything in the year or so leading up to that. It's documented that someone had offered the money and they turned it down to prove what they needed to prove."

In December of 2010, Birman, accompanied by the Board Chair, Chuck Maisch, walked into a rehearsal of Tchaikovsky's *The Nutcracker* and announced that LOI would be filing for Chapter 11 bankruptcy. "I must say, to everyone's credit, no one reacted right then," recalled one musician, "not a single player had an outburst, everyone was very professional. At that point, I had no idea the board and management could act with that little communication." The filing was ultimately denied by the federal bankruptcy court, obligating LOI to honor the musicians' contract until its expiration in May. The musicians

began organizing and preparing for a difficult collective bargaining process by establishing *Keep Louisville Symphonic* to raise public awareness and funds, leafleting, and small public informational concerts.

The "last, best, and final" offer that LOI proposed would freeze wages, and divide the positions into 3 tiers: 40 "A" players would receive 30 weeks of employment for an effective pay cut of 19%, 18 "B" players would receive 20 weeks of work and 13 "C" players would receive only 10 weeks of work, representing a 70% cut in their salaries. The "B" and "C" tiers would be working less than half time, so LOI would not have to pay for pension or unemployment benefits. The musicians offered several counter-proposals, but LOI held firm on their position. In June, after no progress in collective bargaining negotiations, the musicians were locked out with no salaries, benefits, or insurance.

There was little to no communication occurring between musicians and management before and during the lockout. Management did not communicate to musicians so much as they communicated to the press and through their lawyers. Statements from the CEO and board were disparaging of the musicians and their position in labor negotiations, calling their efforts to reach an agreement "game playing" to the *Courier Journal*, Louisville's largest news publication.

“LOMA announced that it was in talks with the board over a one-year “bridge” contract that Louisville Metro Council President Jim King was brokering. Birman dismissed the claim, calling it “game playing.” “We are not in negotiations with the musicians,” he told the *Courier Journal*. “There is no agreement, and without an agreement the board will move forward with hiring [replacement] musicians.” (Courier Journal, April 9 2012)

Several union-busting strategies pursued by LOI were unprecedented in the industry, stirring national backlash and discourse. Three actions were chief among them: 1) the attempt to replace the orchestra with non-union musicians by placing ad listings on Craigslist, Facebook, and Google ads (WDRB Nov 29, 2011), 2) the attempt to circumvent the collective bargaining process by offering individual contract offers to each musician that required the musicians be available for all dates but guaranteed no work (See Appendix B for individual contract offer), and 3) the hiring of an attorney to pursue the unemployment benefits musicians had collected throughout the lockout. In response to these actions, the AFM placed the Louisville Orchestra on the International Unfair List, barring any union musician to perform services for them under threat of penalty.

In a press release announcing the cancellation of the first two months of the season, LOI also made assertions that implied that the musicians did not want to work and blamed the American Federation of Musicians (AFM) for forbidding their members to perform without a contract. The press release claimed they were offering full-time employment at industry competitive wages, which was erroneous. The chair of the musician's negotiating committee gave the following statement:

“People are being asked to go from 37 weeks down to 10 weeks,” says musician’s committee chair Kim Tichenor. “Some musicians are being asked to take that large of a pay cut. Going from \$34,000 a year to \$9,000 a year with a huge cut in benefits along to go with it is not a competitive wage.” (WFPL News, August 25, 2011)

Contract employees are only eligible for unemployment if there are considered to be "locked out" versus "on strike." LOI hired an attorney to file a grievance with the

Kentucky Bureau of Labor to pursue the unemployment benefits collected by the musicians during the lockout, claiming that the musicians were actually "on strike," voluntarily withholding their labor. To prove this point, the organization had fabricated a "summer season" supposedly to have been performed in Summer of 2011. No venues had been booked, no conductor hired, no repertoire chosen, but it was on the official calendar, and with that evidence the judge ruled the musicians were on strike. After several failed appeals, the judge ruled that the musicians each pay back roughly \$20,000 in collected unemployment wages collected in 2011-2012. This placed the musicians, who were already experiencing financial hardship, in more debt. Though the official ruling that the work stoppage was a strike as opposed to a lockout stands, I will continue to refer to Louisville's work stoppage as a lockout out of respect to the musicians, as that is the collective perception of the participants I spoke with.

The lockout was finally resolved with interference from the Mayor of Louisville. The Mayor had encouraged both sides to accept an anonymous donation for an outside mediator to join the talks. Peter Pastreich, an industry expert served as a 3rd party consultant to assess the organization from an objective point of view, and prescribe binding recommendations. The resignation of the CEO was one of these recommendations, and many like-minded board members departed with him. A new president was appointed, many fresh faces and perspectives joined the LOI board of directors.

In the years since the lockout's end, the orchestra appears to be doing well financially. From 2013 to 2016, ticket income rose 82.5 percent after a 60 percent

increase in season subscriptions and a 128 percent increase in single ticket sales, and individual donations have jumped 34.5 percent (Courier Journal, Oct 1 2016). Teddy Abrams was appointed as the new music director, and he has emphasized community engagement, contemporary music, and making the symphony atmosphere more appealing to more diverse audiences. However, the organization has not hired any new musicians since the lockout ended, which adds strain on those currently employed, and is a major point of contention still.

The Minnesota Orchestra

The Minnesota Orchestra is a much larger orchestra than Louisville. Before its lockout, it boasted 88 full-time musicians and a star music director Osko Vänskä, it was growing its reputation as a "destination orchestra," a powerhouse orchestra where a musician will aspire to spend their entire career and retire from (Pope and Sousa 2014: 12). The organization's fundraising efforts had successfully grown since the hiring of CEO Michael Henson in 2007, and study participants remarked on how prideful they were of their orchestra prior to the labor dispute. After 18 months of planning, MOA had released their strategic plan "Vision for a Sound Future," in November 2011, just a year before the lockout, which included promises of musician involvement in planning and a more collaborative approach to governance. One interviewee who was involved in strategic planning efforts before the lockout said that they felt as if the effort was just for show:

"They only started inviting us to join after they had already decided everything. I came to the meetings after putting in tons of hours on research, and I had all of these ideas ready to present. They didn't listen to a single thing I had to say."

- Minnesota interview participant

Other details in the content and delivery of the strategic plan were cause for concern for some musicians. First, the words "artistic excellence" and "orchestra" were removed from the Mission Statement, while the term "sustainable financial structure" was introduced. Delivery of the information in the strategic plan was also disconcerting for musicians. Instead of having an optional annual or semi-annual meeting that serves as an informational session that simply shares information concerning the state of affairs for the organization, management began to hold mandatory meetings (using rehearsal services) near the end of their contract that served to lecture the musicians about the orchestra's deficit. This kind of meeting was unprecedented in the industry according to an interviewee, and it served as a red flag for the musicians to prepare for a lockout. "

Not long after Louisville's labor dispute came to its resolution, the Minnesota Orchestra's management made public its contract proposal, which included a 30-50% cut to musician's salaries, and the reduction of positions. The controversy around this announcement was not only about the drastic nature of the cuts, it was due to the misrepresentation of funds and lack of transparency. For years, the MOA had claimed publicly that the orchestra's budget was balanced (Sousa 2014: 16). The orchestra had raised \$100 million for their "Campaign for the Future" initiative. \$50 million was used for the construction of a new concert hall. At the same time, the CEO was boasting the

orchestra's financial stability to the media. Obscured from public view were increasing draws from the endowment. According to the minutes from board meetings, MOA had hired a PR firm to construct a deficit that would support an argument to downsize the orchestra without scaring off donors. MOA began to manipulate their fundraising and endowment draws to create such a deficit after it secured funding for the new concert hall. "Balances in 2009 and 2010 would support our state bonding aspirations," Bryan Ebensteiner, vice president of finance, told the orchestra's executive committee in September 2009, "while the deficits in 2011 and 2012 would demonstrate the need to reset the business model." (Star Tribune Dec 6, 2012)

Unlike in Kentucky and Georgia, where the political landscapes lean more conservative, legislators were vocal and engaged in the matter. In light of the discrepancies between the orchestra's public and private presentation of finances, 100 Minnesota legislators signed a letter requesting an audit of the Minnesota Orchestra, though it was found in a limited audit that the organization complied with state expectation (Star Tribune June 13, 2013). Still, 10 lawmakers – one senator and nine representatives - called for the resignation of the CEO and select members of the board of directors - the Minnesota Orchestra Association (MOA), citing financial mismanagement and deceptive practices. (See Appendix C for letter)

In an apparent attempt to undermine the musicians' ability to organize and rally support, the MOA discreetly purchased 13 domain names prior to negotiations, such as "savethemnorchestra.org" and "saveourminnesotaorchestra.net." These efforts were

ineffective at quelling audience advocacy efforts, who chose "Save Our Symphony Minnesota." Musicians organized concerts to raise funds and stay connected with the community. On the same nights these concerts were scheduled, MOA would call in all stagehands to work, in their words, "to do absolutely nothing," so they could not be available to assist the musicians.

The lockout lasted for 15 months, the longest of any work stoppage in the history of American orchestras. Over the course of the lockout, some changeover on the board occurred, and some of those who joined were key allies for the musicians who ultimately made the MOA's position more flexible. In talks with the musicians, a compromise was finally found after 15 months – though it is rumored that it was not diplomacy, but legal problems that truly ended the lockout. Orchestra Hall could potentially have been seized, because the terms of the lease agreement with MOA necessitated that the space meet financial and artistic requirements for occupancy. Simultaneously, the musicians were preparing to release a plan forward as an orchestra "with or without the MOA." We will never know the extent of this influence on the agreement, but some participants I spoke with insinuated that it was of utmost importance.

The president was not removed right away, but seeing that he was a barrier to moving forward from the lockout from the musicians' standpoint, the board hired a new president with a more collaborative approach to leadership. While it is acknowledged that relations are still "walking on eggshells," both sides are glad to be back at work and the organization seems to be in a time of healing.

The Atlanta Symphony Orchestra

The Atlanta Symphony Orchestra (ASO) is a similar size, and holds similar prestige to the Minnesota Orchestra. Structurally, the orchestra is different than other orchestra organizations. Instead of existing as a separate nonprofit than the concert hall that it rents, the Woodruff Arts Center is an umbrella nonprofit that operates several different divisions within it, including the ASO. The board of the ASO has limited financial authority – control of the symphony's endowment is at the discretion of the Woodruff Arts Center. This complicates the typical dynamic of "musicians-management." In this case, unlike the other two cases, the board was actually active about raising funds and concerned with avoiding the crisis, but the WAC refused their efforts. The WAC also refused to negotiate with the musicians committee, which forced the ASO into two separate lockouts in as many years.

In 2012, Woodruff Arts Center announced a \$2 million operating deficit and sought concessions from the musicians in the form of reducing positions and cutting pay. The media, public supporters, and the musicians pointed out that the WAC was spending \$8 million a year on loan interest alone, and the WAC had refused offers from the public to raise the money to make up for the deficit, which sparked mistrust and outrage. Accusations flew around that the institution was committed to their vision of downsizing without input from the musicians or the public.

Management proposed a \$2 million dollar pay cut each year for two years for the musicians, while the upper management positions had enjoyed pay increases from the

previous year according to the organization's tax filing. The musicians' negotiating committee said they would agree to the cuts if management also took cuts. In a counter-proposal, management increased the cuts the musicians would take from \$2 million, to \$2.6 million each year, with still no cuts for them. After August 31, with no budging on either side, the musicians' paychecks were stopped and they were barred from the premises. Atlanta is a "Right to Work" state, which made it more difficult for the musicians to take a firm stance without preparation, because they would be ineligible for unemployment. Unlike Minnesota musicians, who can collect unemployment while locked out, Atlanta musicians enjoyed no such benefit, so they were forced to agree to the full range of terms of the WAC's "last, best, and final offer" after only a few weeks. The first lockout resulted in the trimming of the orchestra from 95 musicians to 88, and changed the orchestra from a full-time 52 week season to a part-time 41 week season, for an effective paycut of \$14,000 (Geoff Edgers, Washington Post Oct 8, 2014).

The CEO of the ASO at the time assured the musicians that these extreme concessions were a "one-time thing" to get the organization back on track. "I don't want to be the Baltimore Symphony," Romanstein says on a tape recorded by a musician. "We're the Atlanta Symphony. My comment to the WAC board is that if we have to make a one-time adjustment in order to get things in financial balance, okay, you do that. But you only get this once." In 2014, Romanstein and the WAC claimed to have no knowledge of such a promise, and that everything was on the table in a new contract negotiation. Again, the WAC claimed deficits, and that the only solution would be, again, to downsize the orchestra. In response to this, the Atlanta Symphony Orchestra Players

Association (ASOPA) accused the WAC of constructing the deficit purposely: "The Symphony has been placed in the position of turning deficits that have been engineered by the WAC with the intention and for the purpose of extracting more concessions from the Orchestra's musicians." Against typical convention of music directors to abstain from vocalizing support either way in a labor dispute, a letter was drafted to the ASO in support of the musicians by Robert Spano. (Appendix C). Romanstein was forced to resign, citing that he was an impediment to negotiations moving forward.

Publicly, the WAC's public statements are among the most disrespectful of the three cases. In an interview with the Atlanta Journal-Constitution, the WAC's governing Board Chairman gave an interview with his unfiltered opinions about the musicians and the ASO in general. In the interview, he called the musicians "a bunch of crazy people," admonished the music director and conductor for taking the musicians' side, and said that the ASO should be run like a business. (McManus 2014) The chairman also insinuated that Atlantans don't value the ASO, so the organization should be run as a commercial business, not as a nonprofit.

In light of the uproar over financial discrepancies, journalists examined the WAC's financial decisions concerning the ASO in the years leading up to the lockout; as a nonprofit, this information is publicly available. They found a number of suspect and incriminating decisions. Similar to the change in the language and mission in the Minnesota Orchestra in the years before the lockout, a vote cast in 2011 by the WAC's Board of Trustees removed all mention of the ASO from its official stated purpose in its

Articles of Incorporation. This vote coincided with the adoption of a policy to discontinue basic outreach efforts for public-funded support of the ASO, such as requesting existing subscription donors to renew. Under further review of WAC's finances and allocations, there was significant discrepancy in where the WAC would allocate to the ASO compared to other organizations under its umbrella. As justification for the lockout, the WAC pointed out the orchestra's consistent deficits, and claimed the organization threatened the WAC as an institution. However, while the WAC would relieve debt for its other branches, it reduced its allocations for the ASO over the years, and in one instance, donated a surplus of raised funds to a charity instead of relieving debt for the ASO. Despite its successful capital fundraising efforts for expansion of the High Museum that would cover all costs (\$162 million), the WAC accumulated an outstanding tax-exempt bond liability of \$143.72 million during the same time in just 3 years, raising their liability to \$173.02 million from \$29.3 million. Journalists, the public, and musicians claimed that the WAC had been making these decisions to "starve out" the ASO to justify its downsizing and to break the musicians' union.

ASO staff and board members who disagreed with these decisions told the Atlanta Symphony Orchestra Players Association (ASOPA) that the downsizing ideas originated with the leadership of the WAC governing board, particularly Doug Hertz, who has a career history of making attempts to eliminate tenured positions. His efforts are reflected in the "last best and final" offer, including the "voluntary early retirement" incentive, probationary periods for new musicians, internships and downsizing.

The 2nd lockout began and ended in 2014, but the musicians were more prepared for a longer lockout this time than the first, and leaned on the advice and support of Minnesota Orchestra musicians to take a strong stance. The lockout was two months long, and ended after a federal mediator intervened. The most contentious terms with this contract was the removal of a minimum guaranteed amount of musicians. In exchange for the removal of that term, and the promise of adding back musicians over the contract, the musicians agreed to a second round of wage cuts. After a contract was signed, which reduced the size of the orchestra again from 88 to 77 full-time musicians, the ASO embarked on ambitious fundraising efforts targeted at growing the endowment for permanent musician positions to increase the size of the deflated orchestra. The fundraiser was met way ahead of schedule, in just two years – the ASO will be hiring 11 musicians over the rest of the current four-year contract. Recently, the city of Atlanta has pledged \$1 million to invest in the Woodruff Arts Center Transformation Campaign, a \$110 million fundraising campaign to expand and improve all organizations under the WAC's umbrella (City of Atlanta). Historically, Georgia is ranked among the lowest in terms of public arts funding, so this gesture is significant for the region.

A Pattern Emerges

Despite their differences, these cases share striking similarities and parallels, adding weight to the perception that the administrations of orchestras – who usually communicate at meetings of the League of American Orchestras – were sharing strategies to achieve a collective vision. Each of these orchestras manipulated their finances to

support an argument for downsizing. Whether or not their organization was truly in "crisis," the rhetoric in the organization's press releases led the public to believe that there was no alternative to downsizing, and subtly and overtly characterized the musicians (and the AFM by proxy) as stubborn and entitled, holding primary responsibility for the lockout. There is a formula that governance followed in all three cases: the orchestra suddenly announces deficits, denies opportunities for fundraising and help, and drafts a contract proposal with downsizing unprecedented in the industry. The musicians' counterproposal is denied, and they are locked out. Management and board members are on radio silence, unwilling to come to the negotiating table, and engage in union-busting activities and intimidation. Meanwhile, musicians fundraise, organize public support, and play concerts. Eventually, public figures in government intervene for mediation, and under tremendous pressure, a new contract is reached – one that is far less drastic than the "last, best, and final" offer proposed by the organization.

The Kentucky Labor Institute is a nonprofit organization founded to educate workers and the public on workers' rights. The director of the organization, Seymour Slavin, wrote to *The Courier Journal* that the character of the 2011 Louisville Orchestra negotiation "is unlike anything I have ever seen written about negotiation or seen in a negotiating process" (March 16, 2012). Negotiation is designed to be a process of joint problem solving with a mutually agreeable outcome. Slavin characterized the LOI's position as a "zero-sum game" designed to destroy the other party - in other words, it is a negotiation in name only.

The language used by the LOI board's attorney in their proposal supports this claim: "This proposal is not being offered in order to solicit a counter proposal...If the union and LOMC do not agree with the proposal as made, the proposal will be withdrawn." Each offer also carried a mandate that the LOMC must respond immediately, or else, again, the offer will be withdrawn. In Atlanta and Minnesota, the situation was the same. The board chairmen and CEOs would give conflicting messages: they would simultaneously claim that the musicians were not interested in good-faith bargaining, while at the same time asserting that there was no room for negotiation; they had proposed their "last, best, and final" offers.

After the long and arduous lockouts came to an end, changes came swiftly within the organizations. First, each organization experienced significant changeover in the board and management positions. Second, the creation of new committees and communication lines, and new, more influential roles for musicians marked the beginning of a new paradigm, both structurally and ideologically. This focus of this research is on the musicians' lives and organizing activities during and after the lockouts, and the nature of this new structural arrangement in the orchestras.

RESULTS

In analyzing the transcripts of interviews, and corroborated by survey responses, several themes became apparent in the discussion of the lockouts, labor organizing, and organizational structure:

1. The musicians proved to be a powerful and effective grassroots labor force. Their collective efforts influenced local politics and public support, which contributed to securing the contract terms that not only ended the lockout, but shaped the restructuring of the organization.
2. The nature of restructuring in the orchestras is characterized by the increase of agency and participation of musicians in the organization, the increase of inter-organizational communication, and the aligning of ideologies and visions of managements and musicians, creating an atmosphere more harmonious than before the labor disputes.
3. The emotional, financial, and physical impact of the experience of being locked out was traumatic for musicians, and they continue to struggle with the fallout, even years after the fact, in part due to the nature of the restructuring, as the musicians must work harder for less pay.

An Effective Ensemble

The political power and organizing effectiveness of labor unions in the United States has dwindled with the perfect storm of anti-union law, union fragmentation, globalization and neoliberalism (Clawson and Clawson 1999). In some industries, becoming a member of a union is simply something a person signs up for with the position; most modern union members consider the union a servicing institution rather than a collective of workers capable of taking actions to empower the workforce (109). They may only be somewhat aware of the job protections it offers, or feel animosity towards union dues. In artistic industries in particular, complacency with inadequate working conditions and wages is common because - in American culture at least - the artist rationalizes that they should be grateful to pursue their passion, devaluing their own labor in the process (Hesmondalough: 7).

The AFM and the ICSOM chapter are certainly more involved and more present in the lives of your average orchestra musician than some other industry unions. This is in part because musicians are highly skilled workers and so the industry is smaller; it is incomparable to the large, faceless unions of industries such as United Parcel Service or Wal-Mart employees. Despite the involvement of the union, the musicians were anything but complacent to leave bargaining issues to the few members of the negotiating

committee and union lawyers. The musicians understood that the nature of the negotiations were different than in the past, that the organization wasn't truly interested in negotiating – it was a zero sum game. There was no way to win if they limited their efforts to the negotiating table, so they went to work to mobilize political and cultural support from their communities. Many of these musicians had, in their words, "full time jobs" as organizers while they were locked out from their orchestras. Even those who could not spare much time with their workload and travel schedule still reported helping out sporadically where they could.

Out of the 35 survey respondents, only 2 responded that they were not engaged in any organizing activity during the lockout (see Figure 4), and both of those respondents reported taking an interim position at another orchestra. Every interview respondent reported involvement to some degree. There were countless ways to contribute to the effort to win political and community support, and musicians brought their individual skills to the table. Some were better at public speaking and media presence, while others contributed to event planning, leafleting, calling city council members, web design, networking, or just the time to perform advocacy concerts. The musicians' efforts were highly coordinated; everyone had a job to do, no matter how small. They learned new skills such as ticketing systems and event planning extemporaneously as new opportunities and challenges presented themselves.

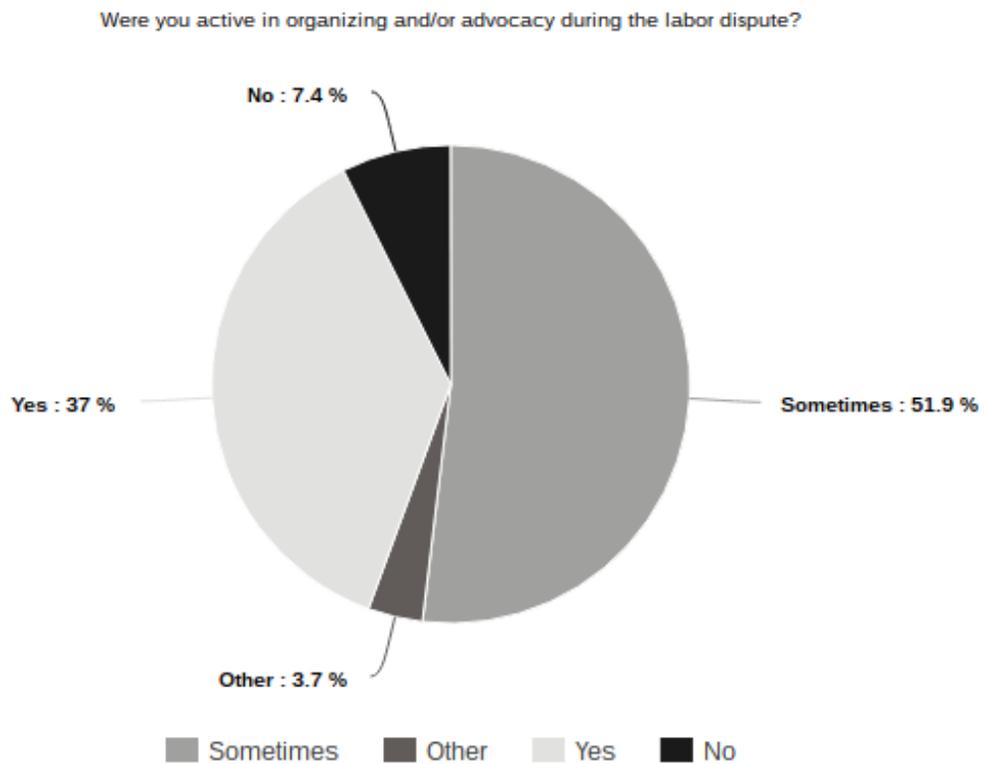


Figure 3: Were you active in organizing and/or advocacy during the labor dispute?

According to one interviewee, there was a particular moment when it dawned on him that the musicians' strategy went far beyond the musicians and management. He had organized these small concerts to be played at the homes of wealthy philanthropists in town to calmly and diplomatically explain the circumstances of the lockout, open dialogue, and dispel misconceptions. There would be a reception with music performances, "schmoozing," wine, and a short talk afterwards. This particular house

concert was a month after the musicians were locked out. At one point during the evening after the talk, a gentleman approached him and told him that the musicians did not "have the option of giving up," that they had to stop those few individuals in the organization from "tearing down what anyone who had ever built anything great had built."

"I remember walking away thinking 'I already knew that,' but it's shocking that someone who walked in with no knowledge of the industry or what was really going on got there that quickly. What was significant about it, he's not a known name in the city, he's not a power broker, but he's a guy who is well-connected politically. And I realized this is not a cultural fight anymore, this is politics. This is going to be won or lost on who gets the most people lined up in their corner and has the dominoes set to fall. And if we get it faster than they do, we win. If they get it set up faster than we do, they win."

Gaining the support of local political figures and influential families in the cities was key to the musicians' strategies. In Louisville, city council members and Mayor Greg Fischer were the target of persuasive appeals. "It's astonishing to me," an interviewee described, "you watch political dramas like House of Cards, and you find yourself in the middle of something, like, "Oh wait, we actually have to play this game!" The Louisville Orchestra Musicians Committee (LOMC) had proposed an outside mediator make recommendations for the organization between the CEO announced bankruptcy and the end of their contract – the board pushed against this idea and denied offers of free consultations and fundraising. The musicians, realizing they were not going to make headway with the board and

management, urged Metro Council to pass a resolution to recommend a commission to narrow the divide for the talks.

During the lockout, LOMC proposed binding arbitration, in which an outside industry consultant is given the authority to give binding recommendations that change the structure of the management, board members, and contractual agreements. It was Mayor Fischer and the Fund for the Arts - a local funding hub for arts organizations - that publicly supported binding arbitration. The musicians had engaged in advocacy efforts, pressing the two entities to publicly support the binding arbitration route. The Mayor and the Fund for the Arts have significant sway in the direction of arts funding in the city, and their support for binding arbitration is perceived to have been the political push that pressured the agreement.

The mediator chosen made binding recommendations that resulted in the removal of the CEO and many board members whose actions were the most driven by the desire to shrink the orchestra – a huge victory for the musicians. “I can only speak for myself,” one musician said, “but I wouldn’t still be here if [the CEO] wasn’t removed.” Without the political support won by the musicians to push for binding arbitration, the organization would likely have many of the same players in the board and administration. Their success was the result of a mixture

of diplomatic board member education, building relationships with metro council members, and outreach projects that created critical inroads with board members and community leaders. The same can be said for the Minnesota Orchestra and the Atlanta Symphony Orchestra.

In Minneapolis, there was a mayoral election during the lockout. There were 17 candidates on the ballot in 2013, of which four were considered serious candidates. Minnesota Orchestra musicians supported one mayoral candidate – Betsy Hodges – over the others because she demonstrated support for the musicians and took a strong, public stance against the MOA during the lockout. She was a city council member prior to running for mayor, one the musicians had contacted and explained their position to. She is a member of the Minnesota Democratic-Farmer-Labor Party, and was vocal during the lockout about her disapproval of the actions and position of the MOA. She gave speeches at support concerts criticizing the board and management for refusing to participate in good faith negotiations.

“I will never know exactly how important it was [for Hodges to be elected mayor],” one interviewee said, “but it was important. There was another candidate in particular, who if he had won, things could have turned out very differently. So it's amazing to think something as relatively small as our situation could have been impacted by who was mayor.”

The musicians would not claim that they singlehandedly influenced the election, but with Hodges in office, the musicians enjoyed a political landscape that was easier to navigate and had a major ally who could influence the MOA. Another musician explained the importance of their coordinated and strategic efforts, and how they managed to apply pressure at the state level:

“It went all the way to the state legislature. There were threats of starting an investigation from the attorney general. That all happened because we laid the groundwork very carefully and we had a great media advisor. Our lawyer had been through a million of these things and they were coordinating, letting us have a behind the scenes strategy in addition to our public strategy.”

The end of the Minnesota Orchestra lockout was discussed in blogs and newspapers as being a miracle of diplomacy and a victory for hard-hitting bloggers and advocates, but in the minds of Minnesota Orchestra musicians, it was much more than that.

“When it ended, there's a lot out there that's been written about ‘It ended because of public uprising’ or ‘It ended because [the music director] resigned,’ ‘It ended because of bloggers.’ It ended because the city of Minneapolis was about to seize the concert hall. And that would never have happened – and it may not have worked! It could have been a gigantic bluff and we'll never know, because it worked. We got to the point to where we started to topple our dominoes and they didn't have theirs set yet. ”

In addition to the musicians' efforts individually and collectively, advocacy groups composed of orchestra musicians and audience members began organizing to support the musicians, create public awareness surrounding the particulars of each orchestra's lockout, and put pressure on the board, management, and local politicians. Starting in Minnesota, but adding new chapters in Atlanta, Memphis, Detroit, and Binghamton as labor disputes warranted, *Save Our Symphony* is a nonprofit advocacy collective created to address these issues as appropriate for the local political landscape. *Save Our Symphony Atlanta* was created to organize public support for the musicians and put pressure on the ASO and WAC during and after the 2014 lockout.

The musicians of all three orchestras demonstrated a coordinated, grassroots effort to garner political and community support. "I was writing all the time," an interviewee said. "There were literally hundreds of hours on the phone or in meetings with the committee, our attorney. And then, the entire orchestra, whoever was in town, met every week."

Another musician expressed that while you could get lost in the nitty gritty of the day-to-day of the work to be done, they didn't lose sight of the end goal: getting back to the stage.

"Throughout the whole thing, we were just trying to figure out a way out of it. The most important thing for us was to get back to work, so we never stopped trying. Talking to the press, talking to musicians, talking to city council members and eventually talking to some board members that eventually helped get us out of it. It's a shame we couldn't talk to them earlier, but that's how it was."

Preparation is key

Minnesota Orchestra musicians were fortunate in that they were able to see the lockout coming – they had seen the dominoes falling from other lockouts in Indianapolis, Louisville, and Detroit, and, in one participant's words, "We had the cartoonish evil villain to end all cartoonish evil villains for a CEO," who made "no attempt to mask his intentions," which removed all doubt from the musicians' minds that they should prepare for impact. The CEO flippantly ignored their contract terms for years. They prepared themselves and each other for several years before the lockout, with the understanding that a labor dispute was inevitable given the attitudes of the management and board. They saved individually and collectively. They made sure everyone knew the process for filing for unemployment, and set up roles and committees for everyone in the orchestra.

Louisville Orchestra musicians could tell that something was off, that they were not being told the whole truth for some time, but since they were among the first in the trend of lockouts, they were less prepared. When the CEO walked into rehearsal and announced that they were filing for bankruptcy, they described "being blindsided," but it

did set their expectations for a few months later when their contract would be open for negotiations. While they were less prepared than Minnesota was, within weeks of the CEO announcing bankruptcy, musicians had coordinated with places around the city to hold ensembles to gain visibility for the musicians and provide informational leaflets. They quickly banded together to create *Keep Louisville Symphonic*, an organization whose mission was to maintain public interest and enjoyment in symphonic music. They held donation-based concerts to raise funds for the player's association account – known colloquially as a "war chest" – in anticipation of the work stoppage. It also served as a public display to management and board members that classical music, despite popular rhetoric, isn't dead. It was important to the musicians to prove that the enthusiasm exists – and could be tapped into – for the orchestra. They had a few months before their contract ran out, and they used every opportunity to drum up public support in that time, whether it be through concerts, informational picketing, talks with the media, or meetings with the mayor.

In Atlanta, musicians were forced to cave to the ASO's demands in the 2012 lockout quickly because they were ill-prepared to weather a lengthy dispute. After the lockout ended, they knew they needed to create a game plan for the future. Musicians began to diversify their income by setting up private businesses and saving more aggressively. They witnessed and coordinated with Minnesota

Orchestra musicians before and during ASO's 2014 lockout. Minnesota musicians' insights were tapped into by many other orchestras, as it turned out. "Other orchestras call us and ask "Okay, what do we need to do?" one Minnesota musician explained, "and we always start with "Well, how much time do you have?" because we spent years setting all this up." ASO musicians coordinated with Minnesota musicians and with *Save our Symphony Minnesota* set a strategy based on their success:

"We took a lot of cues from Minnesota the second go around. We were more prepared. The first time around, we just caved because we were blindsided... we knew to stay vigilant. We saved up money, we prepared each other for what was probably around the corner. And then we were right, but in 2014 we were ready for it, we were prepared to stick it out for as long as it took."

The musicians, the union, and the public advocacy groups triangulated pressure on city council members, the WAC, and ASO board members. Atlanta's second lockout was, as one Minnesota Orchestra musician put it, "Minnesota's lockout on fast forward. They had all their ducks in a row and they got what we got done in 16 months in eight weeks. It was incredible. I think, after that, managements knew they couldn't just starve us out into submission."

The American Federation of Musicians is a strong union, and its role in pushing for adequate contract terms is not to be discounted. However, the strength of the

musicians as a grassroots labor force does not depend on the AFM. Their strength comes from their strong interdependent network of support and unyielding commitment to their vision of what an orchestra should be. Some of their organizing activities away from the negotiating table were in opposition to the union's stance and advice.

Staying together

In email correspondence during the lockouts, the sign off for musicians to other musicians would be “in solidarity,” “in unity.” Minnesota musicians insisted on meeting in person every single week during the lockout to ensure that the spirit of community was not lost and to ensure that the strong bonds would not crumble through communication breakdown.

“We had orchestra meetings every week of the lockout and that made a gigantic difference. I talked to orchestras where after a few weeks out on strike or locked out, they'd see fractures in their coalition. They'd see people questioning the strategy and I always say to them, "Are you getting together every single week to talk?" Because if you're not, you can plausibly have people who feel like they're not being listened to. You've got this huge ensemble and not everyone's in the leadership circle. And yet, we'd have these meetings, Tuesday mornings at like 9am and everyone would have to come sit in the room for 2, 3 hours because we weren't going to leave until everyone felt like they had been listened to. Anyone who had anything to say about anything, we were all going to sit there and listen to it no matter how crazy, off-base, no matter how much they had to vent, everyone was going to get to do that every single week. It didn't matter if you were a crackpot who would take advantage of that while everyone is silently resenting it, it was essential. You could claim that you didn't love every part of the strategy that we were using, but you could not claim that you hadn't been heard.”

It's normal for orchestras to have internal rifts, disagreements, and grudges. "It's kind of like living with your sibling," a trombonist compared, "you have squabbles and skirmishes, but it's healthy. But [during the lockout] there was none of that." Differences, even decades old differences, were put aside to focus on collaboration and coordination.

Not even two weeks after the CEO of the Louisville Orchestra announced that the orchestra was filing for bankruptcy, orchestra members had organized small ensembles and concerts to reach out and inform the community. They quickly established *Keep Louisville Symphonic*, a nonprofit dedicated to engaging and educating the community about the circumstances of the labor dispute, and raising money for medical costs for musicians and their family members.

As discussed in the literature review, orchestra musicians share a unique bond – like a cohort – from the specific set of shared experiences and circumstances that they endure to become and remain an orchestra musician. Solidarity exists not only within the orchestra one belongs to, and not only within the union, but across all orchestras. When one orchestra is going through a labor dispute, musicians in other orchestras will organize support and awareness concerts and donate funds to the musicians who are locked out or on strike.

Gestures of solidarity were not limited to orchestra musicians. Stagehands were also an indispensable ally. In two of the orchestras, stagehands acted as covert intelligence agents: leading up to and during the lockouts, the board would continue to have stagehands mic the boardroom for meetings. The stagehands could hear everything they discussed related to their plans for the lockout, and they warned the musicians as a favor from one unionized group to another. “It didn't occur to them that maybe one group of unionized workers might have some loyalty to another,” an interviewee scoffed. Unions in other industries mobilized political support for the musicians as well; city councilpersons could expect to lose or gain votes from the members of several local unions based on their support for the musicians.

Playing the field

The efforts that the musicians engaged in look different from each other in their message and character, and it is not by accident. The musicians of these orchestras hired public relations specialists to help craft their image and message carefully. Obviously, the underhanded nature of some of management's actions stirred strong emotional reactions from the musicians, but you wouldn't see the anger and volatility boil over everywhere. Interviewees showed a level of cultural and political awareness that enabled them to make the most of their efforts to win the public's sentiment.

"We were very frustrating to some of the national figures in our union who wanted us to take a nuclear position from the beginning. They really wanted to send the giant inflatable rafts from New York and we had to keep saying, "We're in the Midwest. That's not how it works here. There is nothing that's going to turn people off faster than seeming like a bunch of entitled union people. And unfortunately, they tend to be a little less reflexively aggressive and one of the downsides is it takes a lot to get them fired up."

A few survey respondents confessed that they had to abstain from media completely in order to keep face. "I was way too pissed, I knew I'd say something I shouldn't. I couldn't even read some [the organization's] press releases because I knew they would include some backstabbing comment to provoke a reaction, and I would be the person to [do that]."

Georgia is a very anti-union state, legally and culturally. The musicians' recognized that, and played on the strong local sentiment that Atlanta must have the "best" of everything: the top schools, the most accomplished doctors, the best sports team. ASO musicians used that rhetoric to appeal to the public. Their Grammy-winning, world-class, "cultural jewel" was about to be decimated because the WAC mismanaged funds. They made a satirical Facebook page titled "The Woodruff Arts Center for Orchestra Lockouts." The public backlash to the musicians' message and explanation lockout is rumored to have instigated the president's resignation. One musician outright said that they "got the CEO fired."

His temporary replacement, an outsider to the orchestra world, recognized his job as a communication facilitator and proved a powerful force in opening dialogue, mending relationships, and aiding to strike the deal that ended the lockout.

Louisville is a city that has a strong "keep it local" culture. "Keep Louisville Weird" is an unofficial slogan of the city, which is why the musicians marketed themselves as a gem of the local community by naming their outreach organization *Keep Louisville Symphonic*. Both Minnesota and Atlanta had advocacy groups for the musicians, but only Louisville's approach had the appeal to local sentimentality in the name.

"A New Frontier"

What more can a symphony orchestra be?

The structural and ideological changes that the orchestras have experienced did not happen just by chance. They are the result of significant effort on part of both musicians and board members. Musicians' efforts were sometimes strategic and sometimes spontaneous, but all worked to subtly and overtly influence the orchestra in small ways.

The Minnesota Orchestra had lost not only musicians, but staff as they took jobs with other organizations during the lockout. Musicians saw an opportunity to exert

themselves, and started to pick up the slack in other departments in planning, fundraising, development, ticketing - anything where there was a vacancy. In doing so, they exerted their influence everywhere in the organization and normalized active musician engagement. "In the first months back, there were all of these vacuums where people had not been replaced and there weren't enough people to do the work, so we just started shoving musicians into every power vacuum we saw and waiting for people to tell us to quit. And no one ever did, so we wound up in this place. There's good and there's bad." The amount of extra work musicians are doing in their orchestras is way more than before, and they aren't being paid to do it. On the other hand, they enjoy much more agency and control over their careers than they were able to before. The roles that they could not fill, they still exerted some influence over. The artistic director had left the organization during the lockout, and the board was having a difficult time finding a replacement. Not to waste a good opportunity, the musicians made a recommendation to the board to hire someone that the musicians wanted, and the board obliged.

"When we went back, there was this sense of 'What are we going back *to*?' There's no music director. It was immensely clear that the CEO had made no effort to preserve an artistic staff capable of calling us back to work. There was no personnel manager in place when we went back to work. In the end, they ended up having to hire exactly who we told them to hire to be personnel manager because they had no other options."

The political networking and community engagement that the musicians engaged in tirelessly paid off in the end. Public advocates for the orchestras who had created audience support groups such as Save our Symphony Atlanta did not dissolve their organizations when the lockout ended. In two of the orchestras, some of the members of these audience advocacy groups ended up joining the board of directors, and from there they serve as yet another musician-friendly perspective in governance. Those who aren't serving on the board still volunteer for *Save Our Symphony*, but their roles have shifted. Now they work to support the organizations by aiding the board of directors achieve their marketing and fundraising goals, push the board to improve aspects that they consider neglected such as social media marketing, and act as watchdogs to hold the organizations – especially the board of directors – accountable. The following is a list of current priorities for *Save Our Symphony Minnesota* as listed on their website:

- Restoring the orchestra's premiere artistic leadership.
- Attracting the nation's most talented musicians to complete the orchestra's complement.
- Installing new, capable and trustworthy organizational leadership at MOA.
- Driving needed changes in governance, transparency and institutional culture.

- Helping MOA engage our youth and other historically underrepresented audiences.
- Encouraging MOA to pursue innovative marketing efforts with a particular focus on social media.
- Empowering orchestra devotees to be effective advocates for the organization's future.

“That was new, to have the people who buy the tickets have a really important voice. [When we came back from the lockout] we were shell-shocked but at the same time we were like, ‘We could create something new here.’ And I think that's where we are now.”

The musicians of each of these orchestras formed committees to help make up for the staff lost during the lockouts, and they do "all kinds" of work, from lending manpower to overworked staff, to brainstorming how to bring in new audiences, to collaborating with the artistic director. To one musician, everything felt new: "When we got back, and there was no leadership, we on the negotiating committee just started to act like the CEO of our own organization. The entire structure was blown off the map; it felt like we were on the frontier of a new age." In Louisville, the adjustment has not been as fast or smooth; yes, musicians have been more involved in governance and have working committees to address areas such as artistic direction, marketing, development, but it

hasn't been easy. "I'm the co-chair of [a task force], and trying to organize a meeting with musicians and board members together is impossible, everyone is so busy. There wasn't a whole lot of instruction or direction from the beginning either, which I don't fault anyone for. It's awkward right now, just trying to get this new stuff off the ground."

Programming efforts and performance models have been increasingly experimental and diverse. In Louisville, the board of directors sought out "rock star" music director Teddy Abrams to reinvigorate the organization. He is young and ambitious – full of new ideas on how to make the orchestra better. His programming, and especially his original compositions, are "unnecessarily difficult" as many participants reported, but they can't deny that he has changed the face of the orchestra and captivated the public imagination, something the organization desperately needed after a year of negative press. One interviewee talked about how he sees the orchestra structure changing and how Teddy Abrams could be the one to usher in the new era:

"We see this slowly gathering storm that the symphony orchestra is not just the thing that we thought it was. As a musician, you get on thin ice when you start talking about breaking it up into smaller groups because it ceases to be a 'symphony orchestra.' A lot of people would like to stay with the traditional model. Our teachers did that, our peers in other orchestras get paid five, six times what we do to do that, but it's a limiting worldview. I'll be honest with you, [Teddy Abrams] is the only music director I've been under the employ of that's worth a damn. He may not be the greatest conductor - he's sometimes a frustratingly dismissive of traditional conductor technique, but in the grand scheme of things, what he's trying to do is something really special. My fear is that he lacks

support systems to help make that vision a reality. We're not equipped to handle all his ideas."

Closer to harmonious

The lockouts were aggravated by the creation of communication barriers. Board members in the orchestras were strongly discouraged from speaking with musicians directly, even prior to the labor disputes. Many board members were in the dark about management's motivations and plans; they only had what board leadership and management were telling them to work with, and often the message was misleading or deceitful. For example, in one orchestra board members were erroneously told that speaking to musicians was a "conflict of interest," and they were strictly forbidden to speak with them. Musicians did not know this at the time, and saw the entire board as complicit with the strategy the organization was taking with negotiations. "It's easy, when you're not talking, to imagine what the other person is thinking," one musician explained.

Relationships have improved as traditional and constructed barriers to communication have been consciously and structurally addressed after the lockouts. On a scale of one to five, 57.1% of respondents rated the communication within the orchestra a 'four', with 34.3% rating a 'three', and 8.6% a 'five' (see Figure 5).

How would you rate the communication between staff, musicians, board, and management?

(35 responses)

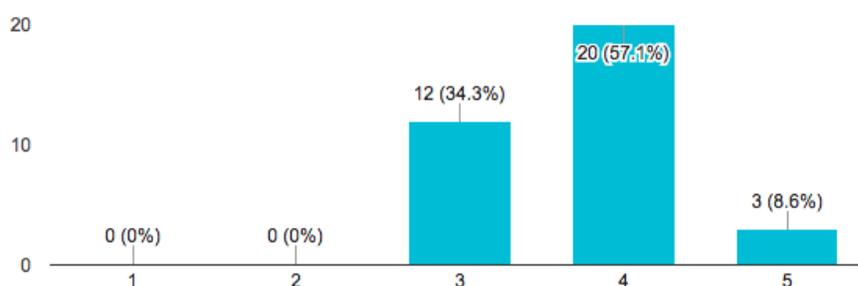


Figure 4: Rating of organizational communication.

While there is no survey data on organizational communication during and before the lockout, in survey long-form responses and in interviews, participants made it exceedingly clear that it was nonexistent, as communication was suppressed by institutional walls. Musicians feel that they have more room to express opinions and have an open line of communication with board and management. In each, a major factor mentioned was the replacement of the CEO and turnover on the board.

“It was immensely important that the CEO was shoved out because it led to a larger - I don't want to say "house cleaning" because that implies people were fired from the organization - but people who had hitched their wagon to a particular ideology saw that's not where the orchestra was going and they found their own exits.”

Musicians generally had very positive things to say about their new directors, especially in comparison to the previous, who had “actively constructed walls in the organization.” There is a shared belief that if the director is strong and a good communicator, that there is more resilience to schools of thought that could threaten the orchestra. "I think it really stems from the director. The director we have now is a much better communicator, he has a clearer vision, he's more open to dialogue. It's a huge change. It all stems from the top." "He's very calm, has great listening skills, is always available with whatever questions you have to ask him. He's just pleasant."

In a more institutional sense, communication is now being facilitated more officially and frequently due to the new strategic planning efforts that incorporate musicians into every part of the planning process. There are several different subcommittees, and they are all made up of musicians, board members, and staff. So, musicians have the opportunity to sit across the table from board members and not only share their opinions about organizational matter, but to educate board members and make themselves understood as professionals, as well.

"We'll say something [about our profession] in one of those meetings and the faces on the board members, they're just dumbfounded. Even if it's only a few things that get the ball rolling I think it's a good thing. It's got to be a team sport – in any other industry, it's the standard. Having a voice on the board, on the meetings, getting board members more involved and having a clearer understanding. With the strategic planning and the task

forces, it's great to just have a dialogue sit at the same table. The old board and management were so pessimistic."

In Minnesota and Louisville, a "retreat" was organized to work through some of the negative feelings, improve understanding, and work on aligning the vision among everyone in the organization. In Louisville, a strategic plan task force was implemented with 5 committees: earned income, contributed income, governance, artistic, and co-committee chair. In Louisville, the committees were made up of 10 people: four musicians, two staff members, and six board members to ensure that everyone's perspective is represented when planning.

The orchestras have introduced another new structure to facilitate communication called the liaison committee. It is not a transparent committee, like every other committee in a nonprofit is supposed to be – it is specifically a space for musicians and board members to talk without the pressure of negotiating or decision-making. Nothing is recorded; there are no meeting minutes. Everything that is talked about in these meetings is completely confidential, giving each side the chance to communicate, ask questions, and air grievances without fear of retaliation.

“Sometimes we’d come in and basically just talk about whatever. Some of those conversations were pretty eye-opening. We started talking about what we had all been through from each other’s perspectives and what each side believed was going on in the buildup to it. It was spectacular. I think through that process, a little wine and cheese, built up a level of trust

and eventually camaraderie. There were hurt feelings, but the people who weren't prepared to let go have moved on to other things.”

There are no strings attached with the liaison committees, they simply exist to ensure that no one person, or small group of people, can ever singlehandedly shut down communication between different parts of the organizations ever again.

In responses from the interviews and survey, it became apparent that as more musicians have gotten to know the current board and management through these newly opened communication channels, there have been significant changes to perceptions on both sides. Musicians report that board members are less pessimistic about the potential for new audiences and revenue sources than the previous board and management; there has been a shift away from the fatalistic, "classical music is dying" rhetoric towards a more positive, growth-focused attitude. In an aligning of vision, the restructured boards of directors also want to grow the orchestra, instead of make cuts "to the lowest common denominator of what an orchestra can be," as one participant put it. The traditional, almost stereotypical relationship between musicians and higher levels of the organization, characterized by distrust, suspicion, and disrespect, was overturned in these orchestras. It is more complicated with the ASO because of the overarching influence of the WAC, but the replacement of their CEO by Jennifer Barlament, who herself is a classically trained musician, and who was trained by current members of the ASO, was a significant

departure from the past. "There is an enormous difference in the entire mood of the orchestra," one participant stated.

"[Before the lockout], the organization was all siloed off from each other. The board here, the administration here, the musicians here. Absolutely nobody talked to each other. Now it's like a network. It's phenomenal, it's almost shattering in a way, going from one extreme to another."

The Toll of the Lockouts

When asked about life during the lockout, the faces of interviewees would darken; their voice would tense a little. The word "trauma" was recurring throughout the conversations and in survey responses. The experience of being locked out did not affect the management, who continued to receive salary, but it was cataclysmic to the musicians. The experience of being locked out is different than simply being unemployed; some musicians did not want to try to find work elsewhere and uproot their lives because the lockout could have ended at any moment. Uncertainty and anxiety plagued the musicians' lives. "I played at another orchestra out of town once but I had a daughter at home. I never really felt relaxed, but I kept thinking that the lockout would end anytime so I never tried to invest myself in anything else. I didn't want to commit to anything else, thinking we would be back to work anytime."

While few musicians took permanent positions elsewhere, some took interim positions, which are generally a year long, and more than that worked as substitutes for ill

or travelling musicians in other cities, a week at a time typically. Few musicians I spoke with did not have to leave home for some amount of time, separating families. When the musicians weren't working in other cities, they filled their plate with private students, "gigs" such as performing for weddings and events, coaching students in schools. While some musicians managed to stay afloat financially, others and their family members suffered from tragic illnesses and injuries that cast them into severe debt without insurance.

The style of negotiation adopted was a negotiation in name only. A zero sum game was imposed by the organization, and efforts to negotiate and make counter proposals were ignored. Because the organization was not interested in a true negotiation, the process became more of a political and cultural battle - one where whoever garnered the most political and public support would "win." The organizations would give statements with ad hominem attacks to the press, shaping the public's view of the musicians. Public commentary in forums and editorials that echoed these sentiments contributed to feelings of hopelessness, despair, and depression. Participants reported symptoms including panic attacks, nausea, anxiety, stage fright, suicidal thoughts, even uncontrollable rage during and after the lockouts. Some participants who had no prior mental illness reported the manifestation of depression and anxiety.

Now, as the organizations have changed in their operations, size, structure, and overall atmosphere, things have improved in terms of optimism and feelings of respect, but the exhaustion and physical toll remains. Musicians have taken on more work, which has given them more agency and control over their work environment. The consequence of that is that they work longer hours for less pay, which many describe as unsustainable.

The different impacts the lockouts have had on the musicians listed above are only the most basic, common experiences among the orchestras; the specific events of each lockout reveal deeper emotional and financial scars.

Making ends meet

During the lockouts, musicians received no pay or benefits for the duration. In Atlanta, while their lockouts were short, they were not eligible for unemployment due to Georgia's status as a Right to Work state. The lockouts in Louisville and Minnesota were the only lockouts that have occurred in the nation that lasted longer than a year, which devastated the musicians financially. In Louisville, while they collected unemployment for the duration of their lockout, management hired an attorney to file a grievance with the Kentucky Bureau of Labor, which opened a court case in which the judge ruled that the musicians were obligated to pay back the estimated \$20,000 in collected unemployment. Of the Louisville participants that I spoke with, several were still struggling to pay the debt five years later. Some participants were fortunate enough to be

able to lean on a spouse's income while their income was suspended, but most had to pick up jobs in addition to the work they were already doing outside the orchestra. Some accepted temporary positions in other cities, but those are scarce; more commonly, they would substitute a week of work for a sick or traveling musician in another city. While musicians could be hired in other cities to cover for weeks of work, they still had to pay for travel costs, in transit and in hotel costs.

Among survey participants, 80% added more private lessons to their schedule, 40% relied more on their spouse's income, 54.3% played more gigs, 60% took out a sum of money from either savings or retirement, 68.6% tightened their budgets, 34.3 % took a position at another orchestra, and 20% took a part-time job (see Figure 3). Interestingly, only a small percentage of respondents only selected "relied on spouse's income," but it was commonly selected in addition to other selections.

The financial hardship from losing salary was one thing, but the loss of benefits hit harder for others. "One of my colleagues, her daughter was diagnosed with cancer during the lockout. They had bought some cheap emergency insurance just in case, but nothing could have prepared them for that. They ended up having to sell their house." Several musicians reported in survey responses and in interviews a medical emergency, diagnosis, or injury in their family during the lockout that thrust them into debt.

During the lockout, what did you do to make ends meet? (35 responses)

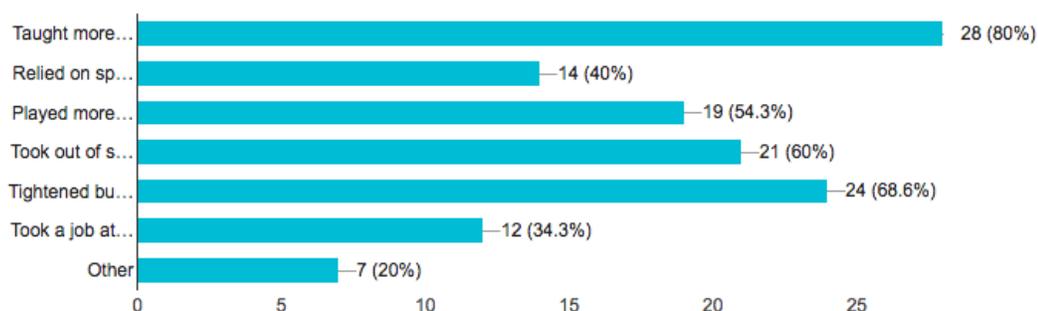


Figure 5: During the lockout, what did you do to make ends meet?

Orchestras are few and far between. If a musician needs to find temporary or interim work, they must move to the city or make extreme travel commitments. A violinist I spoke with drove three hours from home to a nearby city to work five days a week, driving home the same night. If a city isn't in driving distance, however, arrangements have to be made. "It was really tough, being away from my family," one recounted. "My poor wife, she was basically abandoned for a year and a half." One woman without a family described herself as "fortunate" for not having one, because she had the freedom of flexibility to travel with other orchestras for over a year - to Thailand, Utah, "all over," she said. "I rented out my house. I was homesick, I never wanted to leave, but you have to do what you have to do."

The impact of union-busting tactics

Feelings of depression, anxiety, anger, and hopelessness were most often brought up, quite unprovoked, at the discussion of the various underhanded - and in the participants' minds, corrupt – strategies that the boards and managements pursued to undermine the musicians' organizing and advocacy efforts.

For one Atlanta musician, there was one action in particular that devastated her morale completely. She had, for years, volunteered to aid in organizing the auditions for the youth orchestra. She spoke with such pride about that work; it was obviously a passion for her to facilitate the musical growth of young musicians. Usually, she would arrange to have the youth orchestra auditions at the Woodruff Arts Center, but she and other participating orchestra musicians were barred from the premises – security guards and all. Instead, she decided to contact a local high school to host the auditions. At the school, she was chatting with a staff member who, with some surprise that she wasn't aware, told her that the audition space had been booked by the ASO two months before. The date that the high school had been booked was a month before the discussion of negotiations had even begun. The ASO had scheduled the youth orchestra auditions a month before negotiations knowing that the musicians would probably be locked out. At the time, she thought it was the lowest possible blow to her, that

the lockout was premeditated and planned out so meticulously that they had venue bookings taken care of already.

However, the lowest blow was yet to come. The ASO canceled the youth orchestra auditions and sent an email to the parents of the youth orchestra hopefuls, claiming they were forced to cancel because the AFM had "issued a mandate" that musicians in the local union chapter were barred from supporting the auditions. No such mandate ever existed, which led the interviewee to believe "they were using children as pawns to turn the public against us."

The degree of planning that the musicians perceived the management and board to have engaged in – and kept secret – felt like a betrayal to the musicians. A survey participant from Louisville responded to the question, "What was your experience during the lockout?" with this emotionally charged response in which they expand on their belief that the CEO was chosen specifically to carry out their lockout, and that the lockout was meticulously planned:

"Having suffered through many conflicts with contract negotiation over the years, I believe this 2011 experience was the meanest, most derogatory of them all. I am fairly jaded when it comes to motives and actions of managements and boards, but I hadn't before seen such deliberate coordination to dismantle the orchestra. The hiring of an anti-labor attorney to attack our right to unemployment benefits (and, subsequently, to make us return the benefits we were paid during the lockout) caused very deep financial burdens on the musicians which are still being felt today. The attempt to hire replacement musicians on Craigslist was an

affront to musicians everywhere. An inexperienced executive director was placed as a sacrificial lamb and performed his job perfectly."

For the Louisville Orchestra musicians, the tactic of pursuing the unemployment benefits that the musicians collected throughout the lockout was among the most devastating. "There was no need for it. They didn't benefit from it at all – they only wanted us to be in an even tougher spot," as one musician recounted. While many battles were won during the lockout, that was a major loss; despite several appeals, the judge ultimately ruled that the musicians were on strike due to a series of concerts that were scheduled but not performed – but not for lack of will from the musicians. They simply weren't executed; the venues were never booked, the repertoire never chosen.

The attempt to hire a replacement orchestra on Craigslist was "a slap in the face," one said. "I doubt they really thought they could find qualified musicians on Craigslist – they just wanted to make us feel cheap and replaceable. It didn't work." The ASO took a comparable strategy: after further downsizing, the WAC proposed that the orchestra could be bolstered, and future vacancies filled by "interns" in their Talent Development program.

The letter that LOI drafted to offer individual contracts to the musicians required that the musician check a box indicating that they would be available for

each date of the season, though checking the box would not guarantee work for the date. "We were supposed to be available all year – not take any weeks with other orchestras or gigs – for a crap wage, with no guarantee we would get to work." The offer of individual contracts circumvented the collective bargaining process by trying to go around the union. The musicians responded defiantly. They collectively decided to draft their own letters in which they creatively responded with an emphatic "No" in various ways. Some included checkboxes to mock the format of the original letter. Together, they marched to the office and delivered their letters by hand.

It was not only the behind-the-scenes and back door dealings that eroded the musicians' morale; the press was another battlefield. Many participants reported avoiding the media during the lockout to shield themselves from the barrage of insulting comments in the press by the organization and the public. Comment sections on Facebook, local newspapers and magazine sites were the site of public debate about whether or not the musicians were justified in their position, which was hurtful and demoralizing to the musicians, who view themselves, fundamentally, as performing a public service. "Just all the way it all went down was so fundamentally unfair," claimed one musician. "We were determined to come back just to show the community this orchestra is resilient and that

we always wanted to play. We were being painted a very specific way by management that we didn't want to play - it's not greedy to want a cost of living salary.”

The musicians I spoke with believe that the board and management were trying to appeal to a commonly held misconception about artistic labor – by subtly and overtly blaming the union for the work stoppage, they shifted responsibility for the lockout onto the musicians and their "unreasonable demands." By making the narrative about the musicians, the union, and entitlement, and making their proposal seem fair, they aimed to dismantle the public support the musicians were working for. Board members are typically well-connected individuals, and many are major movers and shakers in their town with a lot of influence – the musicians believe that the influence on the media helped to shape news stories and public opinion about the lockout.

"Any unionized workforce knows we're in a very anti-union world at this point. You can go through labor history, but the fact is that is what it is. And newspapers, as much as everyone wants to complain, the biggest newsroom in any town is going to be your daily newspaper. And those people are extremely beholden to the business interests in the city, because your city wouldn't exist without those for-profit business interests, and while they want to be scrupulously fair, they exist in this world and their work is shaped by that. So they're going to listen to them more than us."

The impact of the subversive tactics employed by management affects the musicians to this day. “I developed severe anxiety [during the lockout] that I still go to therapy and take meds for. I didn’t realize how bad it was until the first day

we came back to work. That first concert, I couldn't even play. My hands wouldn't stop shaking. I had stage fright! That had never happened before. It's better now, but I take something before every concert just in case because this is my livelihood and the one thing I need to be able to do is play my instrument."

Overworked and underpaid

Each of the orchestras in this study eliminated positions in the orchestra. In Atlanta, musician positions were downsized from 95 to 77, in Louisville from 72 to 55, and in Minnesota from 88 to 77. Musicians report that it is difficult to maintain the same sound and artistic quality with fewer players; everyone has to work harder. Individually, they must play louder to try to create the same symphonic sound as before, and the pressure is on to play perfectly because mistakes are more noticeable with fewer players. The lengthier lockouts in Louisville and Minneapolis had the added challenge of maintaining their skill level without the ensemble. "It was difficult during the lockout year to keep physically in shape on my instrument," a survey participant noted. "I practiced, of course, but so much time had to be devoted to other work that even after several years back I feel like I am still catching up."

As the orchestras attempt to innovate and diversify audiences, music directors are programming more new and difficult contemporary music, which requires additional practice time. All of this is especially evident in Louisville, who has the fewest

musicians, and – in the opinion of the musicians I spoke with from each orchestra – has hired the most ambitious and experimental music director. Teddy Abrams, the music director for the Louisville Orchestra, schedules a significant amount of difficult contemporary works, and introduces new original compositions written by himself. "The compositions he writes, they hurt to play. He writes all of the parts on a keyboard, which doesn't translate well to [their instrument]. It's not ergonomic."

Orchestra musicians are already subject to physical strain and stress by the nature of their careers (Piperek 1981). It takes a lot more effort to get the same full sound with fewer people, and playing louder entails more physicality and strain. Additionally, as orchestras attempt to reach more diverse and younger audiences, they are playing more contemporary music instead of the classic repertoire that they know by heart, and much of which is very technically difficult. A horn player described the physicality associated with the programming in their orchestra. "People are getting injured. The brass section is having lip injuries from playing loud all the time. Digging in, it's very very physical. I don't really appreciate that, you know? It's not mindful of the orchestra. We've been playing so much contemporary music, which is great, but there's too much of it in one program. The strings are having shoulder and arm troubles because they hold up their arms for so long."

Outside of the increased intensity of work within the organization, according to survey results, participants are working an average of 15 hours per week outside of the orchestra, practice time not included. An orchestra musician, to maintain quality, practices three to six hours per day, more if the programming is unusually difficult. With the extra work from teaching and gigs, there isn't always a whole lot of time to practice.:

"I work Sunday through Sunday. Mondays and Tuesdays are usually long days because I teach. Mondays is supposed to be our day off, but because there's no conflict, I'm usually up at [a local university] from 11am to 9pm. Then Tuesday, if we have a double rehearsal I also teach there, so I'm gone from about 8:30am to 9pm. Double rehearsals are usually only on Tuesdays and Wednesdays, Thursdays and Fridays it's usually just a rehearsal and a concert, not the bang-bang in the morning, so. Wednesdays are usually a double [rehearsal], then I come home to teach, but it's here instead of [the university] so I don't have to travel. Thursdays I'll usually have the afternoon off between rehearsal and concert. There are Saturdays that can either be just a concert or be three extra gigs and then Sundays are a toss-up. I'm practicing basically any minute I'm not doing all of that."

Musicians have filled in vacuums in the organizations that opened as staff left for different jobs during the lockouts. They are not paid for the extra work they've adopted; they simply saw an opportunity to exert their influence on the organization and took it. Overall, musicians felt positively about this, despite the extra work and time, but it does leave even less time for their lives outside of the orchestra. "With more control comes more responsibility. We have far more say over everything we're doing, we have far more control over our own destiny, but far more responsibility! It's very busy. It's no longer

‘show up, play your instrument and go home.’ Now it's ‘show up, play your instrument as great as you ever have, and then go to meetings, call that person and so on,’ and that's both exciting and tiring."

DISCUSSION

Closing the gap on ideological difference

Many musicians I spoke with, while optimistic about the path they are forging, made it clear: none of this is a panacea. There are still problems with communication and understanding. There are still kinks to be worked out with musicians being overworked and undercompensated. "It takes a lot of effort to get up that hill, and it takes very little effort to recede," said one interviewee. "Ideally, we'd have a board that is passionate about the institution and understand that their role is to do whatever they can to get more people and raise more money. But then you get one person that says, 'Well, if this were a business...'"

In her mind, all it takes is a few people invested in reducing the budget of the orchestra to cause major problems. In the case of these three orchestras, the lockouts were instigated by the CEO and a few select members of board leadership and who were committed to their vision of a smaller orchestra with a smaller budget. They misled not the public, the musicians, and the rest of the board concerning the organization's finances to make downsizing seem like the only solution possible. Some board members resigned in protest, or just to distance themselves from the actions of leadership. With an open

dialogue after the lockouts, it became clear to the musicians that the board is not some dark, conspiratorial entity. “We learned they’re not evil. They’re folks that bring their life experience to a problem and their understanding of how to solve the problem, and they’re just doing the best they can with the information they are given by leadership and the life experience they had.”

If a board member comes to the nonprofit world from a corporate background, and others in leadership positions tells them that all the organization needs is to act more like a for-profit business, it will of course appeal to their sensibilities because it's what they are familiar with. One wolf in the hen house can play on these internal biases to strong-arm their vision of what the orchestra should be. As an interviewee told me, "It works in their business, so if someone with nonprofit experience is saying that it will work, why would they not believe that? Boards are generally trusting, generous groups of people who can be led astray very easily." Through the process of conversations in retreats and the liaison committees, board members were able to understand the musicians' career lives in a way they didn't before.

“[Before the lockouts], the frightening thing was that the board didn't know better. They didn't understand what we did or why we did it, how many years we train to do this. I had some frightening conversations with board members during that period where they were saying to me "Why can't you just bring in a student to play?" That's a genuine question from

someone on our board. We're professionals, it's not a hobby. I take this as seriously as you take your law firm.”

Historically, there has been dissonance in the organizations' identities between the musicians and the board of directors. Organizational identity, as defined by Dougherty (1992) is what its members believe are its “central, enduring, and distinctive character” (520). An individual or group’s perception of the organizational identity will drive how they believe the organization should adapt to change or external threats. Musicians see the orchestra as a cultural institution that serves the public with demonstrations of high art. Managements and boards typically don't come from a musician background – while they undoubtedly appreciate the artistry and skill of an orchestra musician, they may not appreciate the "need" for a certain amount of musicians, or the reason why an orchestra should play a certain number of concerts a year. They bring a different worldview and set of skills to the organization, one that sees costs and revenue streams more than the nuances of the performing arts. They may see the orchestra as more of a luxury than a public service, which is diametrically opposed to what the musicians believe. "A nonprofit is there to reach, touch, and inspire the masses, it's not there to make money," one interviewee explained. "It's really the board's job to facilitate the community being able to afford to do it, to experience it whether it's a museum, orchestra, whatever. Right now our mission goes on anything that goes out to the president, the board chair,

whatever, just a constant reminder that this is what we're doing. Not to make the big bucks."

As dialogue continues between the musicians, administrations, and board of directors, their understandings become more aligned. It is not only board members who are gaining new understandings about orchestras, musicians, and the industry in general. In the 2000s, the rhetoric coming out of the League of American Orchestras hailed new "business models" that reigned in budgets to make orchestras more profitable and capable of weathering economic downturns. In the aftermath of labor disputes and public backlash, it seems that the rhetoric coming out of the LAO has changed to be more collaborative and focused on innovation and growth. Musicians are gaining new understandings of the board member's perspectives and understandings of finances and donor politics. "Usually it's pretty bad between musicians and management," a musician explained, "but it doesn't have to be. I think that something everyone's come to realize is that everyone is here for the orchestra. We are, the board is, the administration is. We're all here to serve the orchestra, which then serves the community, and that was a really important thing to keep in mind. Things go wrong either through ego or lack of communication. It's easy to lose sight of that."

Musicians have come to feel less reflexive animosity towards their boards, especially after the obviously anti-union ones have found their ways out of the

organization. Board members are not inherently ignorant to the nuances of nonprofits versus corporations, and they are certainly not all anti-union. Many board members were simply kept in the dark, and fed misinformation about the lockout by a few individuals in board leadership and upper management. One board member in Atlanta resigned in protest to the actions of the organization in 2014 after his efforts to end the lockout were ignored:

“I didn’t feel that my voice and my opinions as a board member had much of an effect on what was happening,” Antinori said, noting that he did not know that management was planning to lock musicians out until just two days before the deadline for contract negotiations. “I am not privy to what WAC’s motivation is. That’s the elephant in the room. All I know is what I’ve heard: ‘We need to balance the budget.’ Am I suspicious? I honestly just don’t know. There does seem to be a mentality of ‘We don’t care if we destroy the orchestra as long as we balance the budget.’” (Jarvie, September 22 2014)

"Not a panacea": Finding the balance

While these are exciting times, and the orchestras are seemingly breaking their molds into new ways of being, some participants think that unless an equilibrium is reached, the new workload is simply unsustainable. "I basically have four full time jobs right now, between the orchestra, teaching, gigs, committee work, practicing, and oh! I have two kids. Make that five full time jobs." The loss of players combined with the

experimental programming, as discussed, has taken a toll on the musicians physically and emotionally. And “something's gotta give,” according to one Louisville musician.

One musician is looking for a job elsewhere because despite all the positivity and energy buzzing around with some of her colleagues and staff, she doesn't feel like her job is safeguarded from a future dispute. "I wouldn't be as anxious to leave if we were paid more," she confessed, "but ever since I've gotten here, people have said 'Oh don't get comfortable,' and then they were right." This anxiety is fairly common, but often masked by the more forthcoming optimism about the new direction the orchestras are taking. It's important to note that while there is a lot of buzz about the new paradigm marked by collaboration and ideological shifts, many musicians are still deeply skeptical, hurt, and dissatisfied with the current state of affairs.

The increase of involvement in musicians, and the institutionalization of musician involvement in strategic planning is a mostly positive idea. Some labor scholars are critical of the positive message of employee participation in governance. Employee involvement initiatives can appear to be very workforce-friendly, but may actually exist to pre-empt or undermine union activity. By establishing more closely working relationships with the labor force, the workers feel that their concerns are heard and that they have more agency in the organization than they actually do - moving from a perceived "tyrannical" form of management to one that is less likely to incite resistance

(Burawoy 1985). Newer musicians to the orchestra have apparently voiced some criticisms of the level of extra work that musicians are doing for free. "We've developed a close enough working relationship with management and board at this point that we have started to hear some push back from younger players who weren't here during - we jokingly call it "The Troubles," - and sometimes we'll make a decision that we think is for the betterment of the organization we'll hear younger players say "You just gave back this whole cache - why did you do that?" Other scholars argue that increased communication and collaboration with governance, and adding the workers' voice to governance outside of the union and collective bargaining process is essential to strengthening the labor force's influence. Unions independent of an engaged and networked labor force are not capable of driving change in the modern era (Hecksher 1996). It is too early to tell to what degree musician participation in other areas of the organization will affect labor negotiations. "Cautiously optimistic" is the attitude that most musicians responded with when prompted. One interviewee explained where musicians' skepticism originates:

"There are a lot of musicians who view [participation] with a lot of skepticism. There's always been this idea that as a unionized workforce, it is not your job to collaborate with your management, it is your job to not be co-opted and that, for a lack of a better term, you are the laborers and you are set up against them in contract negotiations. And as crass as that sounds, I think there is something to that. Though I tend to lean towards the view that collaboration leads to less conflict, I try to remember that there are people with a lot more experience than me who came by their skepticism in an honest way."

The musicians that were part of the organizations during the lockout endured such trauma and nasty encounters with the board that some get complacent when the dynamic with the new boards are *less-than-perfect* rather than *horrific*. "We managed to affect the turnaround in our management and board. Sometimes there's a level of trust among those of us who were here among a much worse management, so there's an inclination for us to just say "Okay this is fine," and those of us who weren't here think "This isn't totally fine to us."

The Calgary Performing Orchestra was ahead of the curve; they made structural shifts before it was necessary. While most orchestras continued business as usual, Calgary saw that their model of operations was stagnant. The organization canceled an entire season to restructure the organization. During that time, collaborative teams made up of musicians, board members, and staff from an outside marketing firm worked together to investigate new revenue opportunities, potential customers, new artistic and programming visions, the current arts landscape, strategic communications, and a fund development strategy. A number of causal factors were identified, including isolation from the community, mistrust between musicians and management, and competition for private and public funding. (Finley, Gralen, and Fichtner 2006). One musician described how important it is to aggressively pursue new audiences and donors to survive:

"Everybody in the organization that I've talked to are of the mindset that we're going to continue to grow ourselves. And all that entails: raising more money, making more money, increasing our reach, traveling more to more exotic places. More tours to places that are off the beaten path. Bringing our art form to people who wouldn't be exposed to it otherwise. Really bringing it to our community and making our presence known. Gone are the days we can rely on education to [grow our audience] we have to get up and do it. From what I've seen, it seems like the orchestra has become this living thing - you aren't just doing your one thing anymore."

In the current moment, both culturally and politically, it is crucial for orchestras to carve a new path, and carve it fast. The current presidential administration has threatened to abolish the National Endowment for the Arts completely. While the larger, more prestigious orchestras like the Cleveland Orchestra or the San Francisco Symphony may be able to weather that storm, it could mean the end for smaller regional orchestras like the Louisville Orchestra. Matt Bevin, the governor of Kentucky, recently passed "Right to Work" legislation in Kentucky, which would impact the musicians' ability to organize if another labor dispute were to occur.

The broader context of modern labor

Clawson and Clawson (1999) discuss the decline of union strength in the US in the late 20th century. Unions' political clout and organizing capacity has weakened dramatically as corporations became more aggressively hostile to unions in the late 1970s. Many interwoven factors have influenced this, including anti-union labor law state

policies, globalization, neoliberalism, and the fragmentation of unions from industry-wide to the company scale. Union density fell from 39% in 1954 to 10% in 1999 (97). Their analysis of effective mobilization in the face of these circumstances reveals a few noteworthy characteristics: first, successful labor victories in the modern era went beyond their companies to pressure the financial backers of the company (105). Second, victories were more likely when the organization was rank-and-file; that is, all members of an organization or union are involved in mobilizing efforts and not just those in particular committees or leadership positions. Finally, labor mobilization has taken cues from social movements by engaging the community.

This research seamlessly connects to the experience of the musicians of the MO, LO, and ASO. Their calls to action targeted city and state government, the local community, and other major funders to their organizations to put pressure on management. As interviews and survey showed, their efforts were certainly rank-and-file; almost everyone did their part and stayed engaged in the effort, regardless of how small. They mobilized the community by creating musician and audience-led advocacy groups, performing community concerts, and staying connected with social media. On social media, musicians created their own collective public image separate from their

organizations by creating separate websites and Facebook pages such as “ATL Symphony Musicians.”

Orchestra musicians have a unique advantage when it comes to labor negotiations. They share an organic solidarity that increases their effectiveness in organizing and mobilizing support. Given the level of creativity and innovation that modern labor must employ to be successful in swaying their employers, other industries would benefit from restructuring their own unions to foster solidarity among their workforce.

There are many orchestras that have experienced lockouts and today, it seems that many are not out of the woods yet. Of course, it is not a groundbreaking concept that collaboration is better than not, and that orchestras on the brink could benefit from it; however, it is difficult to collaborate when there are significant structural and ideological barriers to overcome. Identifying those barriers, and deconstructing them through conscious and institutionalized communication channels could be the first step for many orchestras to step out of the vicious cycle of financial and labor troubles.

Orchestra musicians across the country seem to be taking cues from the success of orchestras that have come back to the brink in the face of their own disputes. The Pittsburgh Symphony recently came to a resolution from its labor dispute. The musicians garnered support from the mayor, who pressured board and management to end the

lockout. The organization had announced debt in excess of \$20 million after years of publicly announcing financial health but musicians pushed for an independent assessor who revealed that the debt was realistically almost half that, at \$11 million. The musicians secured a contract with no pay cuts at all, in the end.

The Fort Worth Symphony bolstered their stakeholder's position through an interesting source – GoFundMe, a public crowdfunding site that effectively quantified the support for the musicians. The St. Louis Symphony recently secured a higher minimum wage scale, seven months before their current contract expires, with the chair of the musicians' negotiating committee citing positive dialogue as the reason for the early agreement.

Ultimately, this research revealed the unique effectiveness of orchestra musicians as a grassroots labor force capable of mobilizing support in diverse and creative ways. They affected change in their organizations that helped to reshape and restructure their organizations to be more collaborative and ideologically harmonious between managements, boards, and musicians. The viciousness of union-busting strategies during the lockouts has left scars on the musicians, and the new paradigm has left musicians with more work than ever before, but the relationship with the new leadership has musicians hopeful. “If there is a way forward,” one musician told me, “we have the best possible team to do it.”

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APPENDICES

Appendix A: Louisville Orchestra Musicians Association (LOMA) Timeline of Labor Dispute

2010

August

LOI (Louisville Orchestra Inc) requests opening contract and the cancellation of 1 scheduled week of 2010-2011 37 week season stating a \$250,000 budget shortfall.

October

Dollar figure for budget adjustment has risen to \$750,000. Bankruptcy is insinuated if musicians don't agree to budget cuts. This includes reducing the number of musicians of the orchestra.

Louisville Orchestra Musicians Committee (LOMC) offers fundraising assistance during and suggests utilizing "dark weeks" (unpaid weeks within schedule) to perform fundraising events.

LOMC suggests an outside industry expert be brought in to offer recommendations to Board and Management (LOI)

November

Dollar figure stated by LOI for needed budget savings rises to 1.2 Million
LOMC has conference call with President of the Kennedy Center in Washington D.C., Michael Kaiser (known as the "turn around king" for the work that he has done helping troubled arts organizations. Also on the call was Bruce Ridge- ICSOM chair, Rob Birman (CEO Louisville Orchestra, and Chuck Maisch Louisville Orchestra Board President.

Rob Birman postpones all education concerts. Threatens cancellation of Nutcracker pit performances and Christmas Concerts.

Rob Birman declines Michael Kaiser's offer of assistance for Louisville citing court involvement as the primary reason.

LOMA begins informational leafleting and fundraising.

Donor steps up to provide funds for week 1 of Nutcracker performances.

December

Chuck Maisch and Rob Birman announce Chapter 11 Bankruptcy filing to musicians of the orchestra at the beginning of the first rehearsal for Nutcracker. Seeking to relieve the LOI of contractual obligations to musicians.

LOMA offers informational leaflets at Nutcracker performances, perform free chamber music at local churches and malls, and a standing room only holiday concert at Ballard High School auditorium with the help of community support.

Federal bankruptcy court has denied the board's motion for "interim relief" from its collective bargaining agreement. As such the Orchestra has the obligation to continue making its payrolls under that agreement.

2011

January

LOMA create Keep Louisville Symphonic, which has tax-exempt status and will implement a fundraising initiative the musicians had proposed to the Louisville Orchestra last fall before it filed for chapter 11 bankruptcy

Keep Louisville Symphonic performs inaugural concert "The Force of Destiny" conducted by former Artistic Director of the Louisville Orchestra, Uriel Segal (services donated) and featuring Mark Kaplan, Violin (professor at Indiana University) also donated services on January 29th.

February

Keep Louisville Symphonic performs a concert in collaboration with musicians from the National Symphony who are visiting for a Kentucky residency. Jason Seber conducts and J Patrick Rafferty (University of Louisville) Violin donated their services. \$ 75,000 has been raised thus far.

March

Plans underway for a fundraising recording.

Kim Tichenor addresses board regarding paid weeks and the waste of unused free time where concerts should be scheduled. Board president is angered by Musicians' plan to perform a benefit concert for victims of the Japan Tsunami. Kim T Quote: He asked why we were not presenting this concert as the LO. He said "I mean one phone call is all it would take and we would gladly have had you present the concert as the LO especially if all of you are working for free". I said that first off, it is a chamber music concert, and secondly we have presented many ideas to the LO only to have them turned down like the recording project that we offered to do for free back in September.

April

Keep Louisville Symphonic recording project for Derby

May

Winter season ends May 11, musicians file for unemployment.

Keep Louisville Symphonic perform concert of Hymns with Steve Green.

In contract negotiations, the management's "last, best and final offer" : Weekly wages frozen at 2010-11 levels during three seasons, which would be cut from 37 to 30 weeks. The management's contract would split the current 71 musicians into three levels: 40 "A" players would receive 30 weeks of employment, for an effective annual pay cut of 19 percent; 18 "B" players would receive 20 weeks of work and 13 "C" players would receive 10 weeks of work, representing a 72 percent cut in their annual salaries. Because both "B" and "C" tiers would be employed less than half the time, the orchestra's

management would not have to pay their pension or unemployment benefits. (C Players would drop an estimated \$24,000 in salary.

The musicians offered two proposals. The first decreased the number of weeks during the contract's projected three years from 36, 37 and 38 weeks, respectively, to 35, 36 and 37 in a contract that would begin with only 60 full-time musicians. When this proposal was rejected, the musicians suggested the contract's present terms be extended until Aug. 31 in a "play and talk" arrangement so the orchestra could pursue a summer season. The management rejected this.

LO filed a plan for re-organization with the court. The plan includes a budget and not surprisingly that budget is the same 5.3 M that was reflected in their "last best and final" offer. The plan does not include a CBA but rather a rough and rather primitive outline of a budget. Orchestra no longer employs any musicians but CEO Birman will continue to receive salary.

June

Musicians begin "lock-out" with no salary, insurance or benefits.

LOI creates "faux" summer season to manipulate legal issues with unemployment and file objection to unemployment benefits with Kentucky Workforce Cabinet.

July

LOI sends certified letters to individual musicians offering per-service work for the 2011-2012 season wherein musicians must agree to hold all dates for LOI but are not guaranteed work for any dates offered. Leaving any date uncommitted would result in dismissal.

Musicians respond to coercive certified letter requesting that LOI avoid attempts at circumventing the collective bargaining process and return to good faith bargaining with musician elected representatives and counsel. Copies of letters were also presented to Mayor Fisher.

Keep Louisville Symphonic performs Youth Educational Concert at Northeast Christian Church including instrument petting zoo. Funds go to help musicians with financial distress and health issues.

The Union and the LOMC urge the LOI to begin the mediation process with Mr. Mangeot

The LOMC union and the Society agreed to go into mediation with Henri Mangeot.

August

LOI emerges from Bankruptcy.

The American Federation of Musicians (AFM) has placed the Louisville Orchestra on its "Unfair List," following the orchestra's emergence from Chapter 11 bankruptcy without a collective bargaining agreement.

Mayor, Mediator, LOMC and LOI meet for mediation.

LOI cancels first 2 months of season with no notice. LOMC committee chair learned this information from Courier Journal staff writer when asked for a response.

Negotiations begin to provide music for Kentucky Opera production of Carmen.

September

Agreement reached between AFM local 11-637 and Kentucky Opera to perform at Carmen.

The LOI management has agreed to have Ralph Craviso involved in the mediation process as an industry expert consultant for negotiations.

Packets from Smith and Smith Attorneys were delivered via courier containing evidence against musicians for unemployment case. Left on doorsteps unattended with social security numbers unredacted.

Offer made to musicians if rejected. Includes:

5 1/2 years 2011-2017

- 30 weeks of work per year except for this "Stub" Year

- Possible additional weeks only IF the Ballet enters into a contract with the LOI

- 50 Contract musicians moving to 54 by end of contract
 - A loss of 21 Positions in the orchestra
 - A loss of 12 Positions presently occupied by LO musicians among and including us
 - Withdrawal from the AFM pension fund
 - All committees are advisory
 - “Restrictive Covenant” clause forbidding us to play with KLS or any competitor orchestra with immediate termination as penalty
 - Rehearsals changed from 9:30- 3:30 to 9:00- 4:00
 - Inside Temperature changed from 68-80 degrees to 65-85
 - Outside Temperature changed from 65-85 outside to 65-98
 - Number of toilets required reduced from 2 to 1
- Musicians reject and make counter which in turn is rejected by LOI

October

Unemployment hearings.

Kentucky Opera is unwilling to hire musicians for the production of Marriage of Figaro using the same scale as Carmen.

Ralph Craviso makes a “hail Mary” offer to the LOI following the mediators suggestions and guidelines.

News announces that there is an agreement between musicians and management
The informal agreement was seemingly revoked by management lawyer James U. Smith III. Saturday, Smith wrote to communicate that since his previously established deadline of 4 p.m. Friday had not been met, Smith considered the musicians to have rejected the proposal for 55 musicians. On Sunday, Maisch withdrew his prior conditional agreement in a letter to Committee Chair Tichenor. Smith notified the musicians that the management’s offer had been further cut, from 55 musicians to only 50 musicians, and forbade any communication between the musicians, and board members or Louisville Orchestra administrators. This action caused the resignation of at least one board member.

CEO Birman sends letter to subscribers announcing he intends to seek permanent replacement musicians.

In an industry first, CEO Birman post flyer and mails flyer to music schools seeking permanent replacement musicians. (recommendation required).

November

At the Mayor's adamant request LOMC agreed to meet with his Chief of Staff, Henri Mangeot and Rob Birman.

Another offer from LOI with somewhat reduced inflammatory changes is made however the restrictive covenant clause prohibiting performance with another organization is still included. LOMC makes a Counter offer including the desire for a process of coming together with " a mutually agreeable symphonic industry consultant with broad experience fund raising for, running and marketing a symphony orchestra.. to work with musicians and board to improved effectiveness" . CEO Birman is not present and on vacation.

Language for CBA delivered by Attorney James U Smith is not agreed upon language with some of the more disputed items back into the document submitted for ratification. Union brothers and sisters from other unions communicate with the Greater Louisville Fund for the Arts (to whom they donate substantially through workplace donations) about seeking a solution and to emphasize the ripple effect that the labor dispute is having on the arts community as a whole.

CEO Birman begins posting nationwide ads on Craigslist for Permanent Replacement musicians. Another industry first. Lashback nationally from professional musicians and observers.

December

Chamber concerts and 3 Holiday Concerts presented by Keep Louisville Symphonic. All three symphonic concerts were standing room only.

2012

January

Unemployment rules in favor of the LOI. Musicians must pay back any unemployment received. Strike fund payments from the AFM begin at the following rate:

1st 3 weeks: \$150

Next 6 weeks: \$300

Next 6 weeks: \$450

LOMC discuss several issues with the Fund for the Arts. Last week submitted a plan to them for completing the season with 11 weeks of work which would include: performing as KLS for the February Kentucky Opera production of The Merry Widow, the Spring Ballet and all education concerts. Our proposal includes getting back under the FFA health insurance umbrella and the involvement of Henry Fogel to convene a working group to formulate a viable business plan for the future. No formal response received.

Unemployment appeal was filed on January 20, 2012

Keep Louisville Symphonic signed a Chamber Music Educational contract with JCPS for \$65,000.00. The JCPS Board will meet on Feb. 13 to validate the contract and have the superintendent sign off on it. Rob Birman has sent a letter to JCPS stating that he does not approve of JCPS reallocating their funding to us for the small ensembles.

Mr. Henry Fogel (Former CEO Chicago Symphony) has been engaged by the Fund for the Arts to make a report to the community. Included will be his recommendations on how best to move forward in order to have a viable professional symphony orchestra in Louisville KY.

February

Rob Birman has refused to release JCPS from their contract in order to tie things up in litigation to the point where the JCPS thinks it now will no longer be feasible for us to visit the schools this academic year.

Fund for the arts agreed to release \$40,000 to Kentucky Opera for the hiring of musicians of KLS but it will cost more than that for the 3 weeks of work. It is suggested that KLS find the remainder of the money elsewhere.

Kentucky Opera hires amateur and student musicians (as young as 11) to perform the Merry Widow yet still charges full price for admission to a profession production.

Union Brothers and Sisters from several unions and past music director Uri Segal join musicians for an informational picket at the Kentucky Opera production of the Merry Widow.

Louisville union leaders called on the Louisville Fund for the Arts and Mayor Greg Fischer to convene a special panel to resolve the dispute between the orchestra and its musicians, or union members will be urged to withhold donations to this year's Fund for the Arts campaign.

Heads of 19 unions sign letter to the Fund for the Arts requesting the fund to withhold further allocations to the Louisville Orchestra Inc until said resolution.

LOI offer to utilize an arbitrator but demands that an arbitrator's authority be limited to mandating a contract that fits only proposals that LOI has predetermined and musicians must choose from a list of arbitrators provided by LOI. Musicians reject this proposal and request that a symphonic industry expert be part of any solution.

Musicians lose first appeal in unemployment hearing.

LOMC Committee chair addresses Metro Council

March

Musicians begin letter campaign with supporter help to the metro council.
CEO Rob Birman begins pay per click ads for permanent replacement musicians on Facebook and Google adwords.

3-29-12 Musician Proposal: Louisville Orchestra Musicians Committee, on behalf of the LO Musicians

Association and AFM Local 11-637, agree to a binding process, where the Louisville Orchestra Board of Directors and the Musicians Association will sign a 1-year Bridge Agreement, while a highly-qualified mutually agreeable outside orchestra consultant spends the next year reviewing the Louisville Orchestra's operations, management, musicians' and other artists' and employment contracts. At the end of the year, the consultant will make binding recommendations.

April

4-4-12 Proposal is rejected by LOI and announce their intention to immediately hire a replacement orchestra.

Metro Council President Jim King works with both parties to broker a 1 year bridge agreement.

4-25-12 Signing Ceremony at the Kentucky Center for the Arts for agreement to begin June 1, 2012.

May

Musicians volunteer a series of thank you concerts to community at various locations.

June

Peter Pastereich, former executive director of the San Francisco Symphony and industry consultant to major arts groups world wide, is chosen by both parties to assess and recommend a course of action for the Louisville Orchestra. His recommendations on unresolved issues are binding.

July

Pastereich accepts position.

September

2012-2013 75th anniversary season (take 2) begins.

Pastereich recommends strengthening Board of Directors, New marketing and PR expert and finding a new music director as first priority for the Louisville Orchestra.

February

Rob Birman resigns. Bill Lamb resigns board position.

New leadership is added to the Board of directors.

***Ongoing unresolved issues with unemployment.**

Appendix B: Letter from Louisville Orchestra CEO circumventing the collective bargaining process



LOUISVILLE ORCHESTRA
HIGH PERFORMANCE

July 05, 2011

Re: Louisville Orchestra, Inc.

Dear Jonathan Mueller:

Our counsel was advised by counsel to the American Federation of Musicians of the United States and Canada, Local Union No. 11-637 and the Louisville Orchestra Musicians Committee (L.O.M.C.) that the Louisville Orchestra should contact you directly to confirm your willingness and commitment to appear for upcoming Orchestra performances and rehearsals. That being the case, this letter is to confirm your willingness and commitment to perform at future Louisville Orchestra concerts and rehearsals, or your refusal to do so.

If you are willing and intend to accept the assignments listed below, and if you are selected for such assignment(s), you will be paid a pro-rated per-service rate based on the expired Collective Bargaining Agreement and you will be paid in accordance with the terms of the expired Agreement. You will not, however, receive payment under a per-service model for any benefits under the expired Agreement, nor will benefit payments be made to any fund on your behalf. Benefits will only be available through a ratified collective bargaining agreement.

Please indicate your willingness and commitment to participate in future Louisville Orchestra concerts and rehearsals by marking "Yes" or "No" beside each scheduled performance and rehearsal. A "Yes" will indicate your willingness and commitment to work under the terms above. A "No" will indicate your refusal to work. Not marking either choice will be treated as a refusal to work.

The dates of remaining scheduled performances are as follows:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 7, 2011 Rehearsal	1pm-3:30pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 8, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 8, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 9, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 10, 2011 Rehearsal	1:30pm-4pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 10, 2011 Performance	8:30pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 13, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 13, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/> Yes	<input type="checkbox"/> No	September 14, 2011 Rehearsal	9:30am-12pm

Figure 6: Letter from LOI CEO offering individual contracts to musicians

July 5, 2011
Page 2

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 15, 2011 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 17, 2011 Rehearsal	1:30pm-4pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 17, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 20, 2011 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 21, 2011 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 23, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 25, 2011 Performance	2pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 27, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 27, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 28, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 28, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 29, 2011 Performance	10:30am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	September 30, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 1, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 11, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 11, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 12, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 12, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 13, 2011 Performance	10:30am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 15, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 18, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 18, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 19, 2011 Performance	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 20, 2011 Performance	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 21, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 21, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 22, 2011 Rehearsal	10:00am-10:30am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 22, 2011 Performance	11:00am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 25, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 25, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 26, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 26, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 27, 2011 Performance	10:30am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 28, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 29, 2011 Rehearsal	1:30pm-4pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	October 29, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 2, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 2, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 4, 2011 Performance	6:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 5, 2011 Performance	7:30pm

July 5, 2011
Page 4

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 26, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 26, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 27, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 27, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 28, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 31, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 31, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 1, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 1, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 2, 2012 Performance	10:30am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 3, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 4, 2012 Rehearsal	1:30pm-4:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 4, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 7, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 7, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 8, 2012 Rehearsal	9:30am-12pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 9, 2012 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 14, 2012 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 15, 2012 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 17, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 18, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 19, 2012 Performance	2pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 20, 2012 Rehearsal	7:30pm-10pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 21, 2012 Performance	10:30am-1pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 22, 2012 Performance	10:30am-1pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 23, 2012 Performance	10:30am-1pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 24, 2012 Rehearsal	1pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 25, 2012 Rehearsal	1pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 25, 2012 Performance	7:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 28, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 28, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 29, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	February 29, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	March 1, 2012 Performance	10:30am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	March 2, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	March 3, 2012 Rehearsal	1:30pm-4pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	March 3, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	March 13, 2012 Performance	10:30am-1pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	March 14, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	March 14, 2012 Rehearsal	1:30pm-3:30pm

July 5, 2011
Page 3

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 8, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 8, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 9, 2011 Rehearsal	9:30am-12pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 10, 2011 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 11, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 12, 2011 Rehearsal	1:30pm-4pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 12, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 15, 2011 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 16, 2011 Rehearsal	7pm-10:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 18, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 19, 2011 Rehearsal	1:00pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 19, 2011 Performance	7:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 20, 2011 Performance	2pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 25, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 25, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 26, 2011 Rehearsal	10:00am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 26, 2011 Performance	7pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 29, 2011 Performance	7pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	November 30, 2011 Performance	7pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 1, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 1, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 2, 2011 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 2, 2011 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 3, 2011 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 14, 2011 Performance	7pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 15, 2011 Performance	7pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 16, 2011 Performance	7pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	December 17, 2011 Performance	7pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 11, 2012 Rehearsal	1pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 12, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 12, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 13, 2012 Rehearsal	1:30pm-4pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 13, 2012 Performance	8pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 14, 2012 Performance	11am
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 18, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 18, 2012 Rehearsal	1:30pm-3:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 19, 2012 Rehearsal	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 19, 2012 Performance	6:30pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 20, 2012 Performance	9:30am-12:00pm
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	January 21, 2012 Performance	7:30pm

July 5, 2011
Page 6

obligation. If you fail to indicate either "Yes" or "No" for any performance, that will be treated as a voluntary refusal to work. In such event, the Louisville Orchestra will take whatever steps are legally appropriate to fill your position. Similarly, if you indicate a refusal to appear and play the scheduled performance, the Louisville Orchestra will take whatever steps are legally appropriate to fill your position.

You must indicate your commitment as requested in this letter, execute and date the letter in the space provided below for your signature and return the executed letter to the Louisville Orchestra office no later than 5:00 p.m. Wednesday, July 13, 2011. Failure to return a copy of this letter with your commitments identified by this date will be treated as a voluntary refusal to work at the scheduled performances.

Thank you for your prompt attention to this matter.

Sincerely yours,


Robert A. Birman
Chief Executive Officer

> AFFIRMED

I hereby affirm and certify that I completed the information set forth above regarding my participation in future 2011-12 Louisville Orchestra performances and rehearsals. Please sign and date both copies, keep one for your records and return one copy to my attention.

Signature of Musician

Date

End Note: Per Service Scale

Using an 8-service-count week as the standard, as defined in our expired Agreement, "per-service" base pay shall be \$115.62 for a two-and-one-half-hour call (i.e. \$925/8). We will apply standard "over-scale" percentages to the base pay for the following provisions only: "One on a Part" = \$117.29 (i.e. \$938.31/8); "Assistant Principal" = \$123.93 (i.e. \$991.41/8); and "Principal" = \$137.21 (i.e. \$1,097.70/8). Seniority pay will be prorated at 1/8 weekly scale as well.

cc: Mr. Charles Maisch
Mr. Patrick J. Welsh
James U. Smith III, Esq.

Letter to

Appendix C: Letter to ASO from Robert Spano and Donald Runnicles

To: The Atlanta Symphony Orchestra September 2, 2014

— The Board of Directors

— The Management

— The Musicians

Although it is neither our place nor our intent to involve ourselves directly in the collective bargaining process between musicians and management, we feel compelled to write this letter. Our doing so bears inherent risks as it may be construed as our taking sides in what again has proved to be a contentious process. We both feel bound by a sense of responsibility and deep commitment to represent and remind everyone what the ASO is all about: its high musical standards and aspirations. Indeed we are charged by contract to create and maintain it.

In the heat of the current negotiation we fear these standards might easily be forgotten or compromised. Our emotional commitment to the ASO and its potential is profound. This prompts us to speak out lest we fail in our duty to preserve the extraordinary legacy that has passed into our hands as temporary stewards. This is all the more poignant in that next season we celebrate the legacy of Robert Shaw. The ASO is a

jewel, which should not be lost or compromised, and the current conditions threaten that loss.

This year's contract negotiation repeats an unhealthy pattern of pitting musician and management positions as incompatible alternatives. The situation is not unique to Atlanta. There are positive examples to emulate but above all we must avoid the residue of discord and acrimony. The concept that stopping the music — whether characterized as lockout or strike — as a reasonable alternative is unfathomable, deeply divisive, and would be a tragic mistake.

Two years ago, our musicians accepted huge concessions with an expectation that, in so doing, both board and management would be able to steer the organization out of financial distress. We ask the board and management to acknowledge the sacrifice the musicians have already made, and to examine other ways and areas to establish sustainability.

Sustainability must also be applied to a quality of the orchestra and the notion of excellence, not only to finances. There are artistic lines that cannot and must not be crossed. We must re-dedicate ourselves to the ASO's founding principles of excellence and to the support of a full, robust, and world-class symphony orchestra.

We need a long-term agreement. The very nature of how the ASO interacts with its community is far better served without frequent interruption of collective bargaining.

Creative innovation itself requires time. Conception, investment, and experimentation take time to implement, and cannot be assessed instantly.

As we reflect on our long and deep relationship with this remarkable orchestra, it is our fervent hope that our words would be used only as a reminder of the common purpose we share: the purpose to which the board has generously and tirelessly devoted considerable energy and personal resource – and that same purpose to which the musicians dedicate their lives and livelihoods.

We are both deeply committed and deeply concerned.

ROBERT SPANO DONALD RUNNICLES

Music Director Principal Guest Conductor

Appendix D: Letter from Minnesota Lawmakers to MOA

Dear Minnesota Orchestral Association Board Members:

As you prepare for your annual meeting tomorrow, we write to express our deep concern about recent actions of Minnesota Orchestral Association (MOA), and the future of the Minnesota Orchestra.

Leadership of the Minnesota Orchestral Association manipulated financial results in a deliberate deception of the public, first to gain public funding for Orchestra Hall, and then to justify locking out the musicians for well over a year.

This intentional deception was spelled out in September 2009, by MOA VP of Finance Bryan Ebensteiner to MOA's Finance and Executive Committees,

"Balances in 2009 and 2010 would support our state bonding aspirations, while the deficits in 2011 and 2012 would demonstrate the need to reset the business model." This statement was made, not as a prediction, but as a fact — long before Mr. Ebensteiner had any real ability to know what would happen with MOA finances.

MOA achieved exactly the result Mr. Ebensteiner said it would, with balanced budgets in fiscal years 2009 and 2010 and then large and increasing deficits in FY 2011 and 2012.

Save Our Symphony – Minnesota (SOS-MN), an independent organization of Minnesota Orchestra supporters, has documented this MOA manipulation of its financial results. We encourage you to read the entire presentation of Save Our Symphony:
<http://tinyurl.com/SOSMN-The-MOA-Debacle>.

When seeking public funding during the 2010 legislative session, CEO Michael Henson told legislators, "On the financial front, we have announced balanced budgets over the last three consecutive years, and we are facing the current economic downturn with a degree of stability." In light of the internal documentation provided by SOS-MN, these statements were deceptive to the Minnesota Legislature and the public.

This pattern continued in May 2012, during the same week as the MOA was finalizing an agreement for the public money with Minneapolis, MOA secretly purchased 13 web domain names such as: “savethemnorchestra.org” and “saveourminnesotaorchestra.net.” Such domain names might be desired by those upset at the likely destruction of the orchestra from an extended lock-out of musicians.

While the public had no reason to suspect that the MOA would soon be engaged in a lock-out, MOA management was preparing a strategy that would shut down the Orchestra just when they were taking the public funds. This is further evidence of careful, advanced planning for a long and difficult battle with the orchestra musicians who were supposed to be performing in that newly renovated hall.

It is not only the deception that is troubling, but also the apparent fiscal mismanagement:

In October, Orchestrate Excellence, another independent organization of orchestra supporters, released a detailed comparison of the Minnesota Orchestra’s financial performance against that of the Cleveland Orchestra. Both are major, first-rate orchestras located in large, Midwestern cities, but the disparity of results between them is quite revealing. The Twin Cities are larger and have a more prosperous population and business community than Cleveland, yet from a fiscal perspective, the Cleveland Orchestra management has significantly outperformed the Minnesota Orchestra management.

Since Michael Henson was hired as CEO of the Minnesota Orchestra, from 2008 – 2012, the Minnesota Orchestra’s revenue from operations has decreased over 15%, contrasted to the Cleveland Orchestra’s increase of over 8%. Likewise, for donor contributions; from 2008-12, the Cleveland Orchestra increased its donor contributions (excluding capital campaigns) by over 25% while the Minnesota Orchestra has shown a decrease of over 15%. The Minnesota Orchestra’s return on its investments did not match that of the Cleveland Orchestra nor of its peer group of similarly-sized endowment funds. We urge you to read the entire comparison at <http://www.orchestrateexcellence.org/a-tale-of-two-orchestras/>

Despite the subpar financial management of Mr. Henson, and the deliberate deception carried out by his administration, MOA rewarded him with not one, but two, bonuses, totaling over \$200,000, bringing his total compensation to over \$619,000 during the 2011 calendar year. These bonuses were paid in the midst of the financial crisis that was later used to justify the lockout. The results under Henson's management have been nothing short of a disaster.

The bottom line is that the Minnesota Orchestra musicians have now been locked out for over 14 months. There is no sign of any change in the near future, as the MOA management has refused to end the lockout. The MOA rejected even the proposal of George Mitchell, the mediator that the MOA itself suggested. Many commentators around the country have been aghast that such brass knuckle negotiating tactics would be used in a non-profit organization that should be about lifting the human spirit and spreading the joy of great music to the next generation.

It is clear that MOA management and Board leadership is willing to destroy the orchestra in order to "reset the business model."

Orchestra Hall sits dark and empty. The \$14M of public funding is not being put to public use. The only Minnesota Orchestra concerts that are being performed are those produced by the musicians without any MOA support or funding. MOA's endowment

and other donor contributions are not being used for the purposes for which they were given to MOA.

The Minnesota Orchestral Association itself sits on the verge of extinction as a meaningful organization that has any legitimate reason to continue its existence.

We call for:

–the resignation of CEO Michael Henson, Chairman Jon Campbell, Past Chair Richard Davis and any others in MOA leadership involved in the public deception and the financial mismanagement of the organization. To restore public trust in the Orchestral Association, it is time for new leadership.

—an immediate end to the lockout of the musicians and resumption of negotiations over a new contract. The MOA has locked out the musicians; the MOA is the only one who can end this debacle. In other words, accept the mediator’s proposal.

The Minnesota Orchestral Association Board will need to decide the direction it will pursue. If the board fails to replace MOA leadership and end the lockout, it will force the hands of other stakeholders, including the state, which provided major public funding for the renovation of Orchestra Hall.

We believe there are members of your MOA board who truly care about the Minnesota Orchestra, members who question why board leadership and management has been willing to destroy the orchestra that they claim to love. And with the loss of more than one entire season, the departure of Osmo Vänskä and some of the top musicians, the cancellation of Carnegie Hall and BBC Proms performances, they *are* destroying the Minnesota Orchestra.

Please deliver a change in leadership and an end to the lockout before Minnesota’s World-Class Orchestra is nothing more than a memory.

Sincerely,

Senator John Marty

Representative Alice Hausman

Representative Phyllis Kahn

Senator Patricia Torres Ray

Representative Jim Davnie

Representative John Lesch

Representative Jerry Newton

Representative Ray Dehn

Representative Leon Lillie

Representative Mike Freiburg

Appendix E: Recruitment Protocol

Research participants will be adults of sound mind, who are 18 years of age or older and who currently work for the Louisville Orchestra, Atlanta Symphony Orchestra, or Minnesota Orchestra as a musician. I am already acquaintances with several musicians in the orchestra, and I will initially contact these musicians in emails to inform them of my study and determine their interest in interview participation. I will potentially make contacts with other musicians who may be interested through them, as well.

The wording of the draft I will send to introduce myself to all potential interview participants will be written as follows: "Hello! My name is Jacqueline Heinzen, I am a graduate student in Applied Anthropology attending Humboldt State University. I am currently undertaking a research project on the impact of organizational renewal on the musicians of the Louisville Orchestra, Minnesota Orchestra, and Atlanta Symphony Orchestra. I'm interested in gaining the insight of musicians, and I am looking for orchestra musicians who wouldn't mind sharing their experience and perspective with me in an informal interview. If this is something you might be interested in, I would be very grateful for your time. If you have any questions at all, please feel free to contact me."

I will continue to make contact with musicians using this draft above, and after some initial interviews, I will finalize a survey. To recruit individuals to participate in the survey, I will send an email to all musicians in the Louisville Orchestra. The wording of

this draft will be as follows: "Hello! My name is Jacqueline Heinzen, I am a graduate student in Applied Anthropology attending Humboldt State University. I am currently undertaking a research project on the impact of organizational renewal on the musicians of the Louisville Orchestra. I'm interested in gaining the insight of musicians, and I am looking for interested Louisville Orchestra musicians to participate in an online survey who wouldn't mind sharing their experience and perspective. If you would be willing to give some of your time to participate, please respond and I will send you the link to the survey, and explain the project in more detail. Your input would be very much appreciated! If you have any questions at all, please feel free to contact me."

Appendix F: Informed Consent form for interviews

**A Qualitative Study of the Impact of Organizational Change on the Musicians of 3
U.S. Orchestras**

Informed Consent Agreement

You are being presented an opportunity to participate in a study on the impact that organizational change has had on the musicians of the Louisville Orchestra, the Minnesota Orchestra, and the Atlanta Symphony Orchestra. The goal of this study is to gain insight into the perspective and experience of the musicians of these orchestras from their point of view.

Participation entails an informal interview that will take between 20 and 60 minutes of your time. The topics covered in conversation may cover the average work day, work relationships, and your perspective on organizational changes. You are in no way obligated to participate in any part of the study that you do not feel comfortable with. If there is any topic you do not wish to talk about in the interview, we will move on to a different topic, and you may stop the interview at any time. Data collected from this study will potentially be used in publications in professional journals, conferences, and a master's level thesis. Direct quotes may be used.

Risks associated with participation could potentially include workplace conflict if the data is not properly anonymized. To minimize this risk, your name will be changed or omitted, and identifiable details, such your position in the orchestra, will be omitted. There are no direct benefits to you for participating in this research study. Confidentiality and respect for your privacy is a top priority. Information will be kept private by storing physical copies in a locked file cabinet in the researcher's home, and electronic copies in an encrypted file in a password-protected folder on the researcher's personal computer. If you consent to an audio recording of the interview, the recording will be destroyed after the interview has been transcribed. When the study is completed and the data have been analyzed, all data will be destroyed within six months after completion of this study. You may withdraw from the study at any time by notifying the primary investigator or academic advisor.

Primary Investigator:
Jacqueline Heinzen

Academic Advisor:
Rebecca Robertson

Jh3988@humboldt.edu
u
(502)-310-7169

Rebecca.Robertson@humboldt.ed
(707)-599-5608

The Investigator will answer any questions you have about this study. Your participation is voluntary and you may stop at any time. If you have any concerns with this study, contact the Chair of the Institutional Review Board for the Protection of Human Subjects, Dr. Ethan Gahtan, at eg51@humboldt.edu or (707) 826-4545. If you have questions about your rights as a participant, report them to the Humboldt State University Dean of Research, Dr. Rhea Williamson, at Rhea.Williamson@humboldt.edu or (707) 826-5169.

Participant's Signature _____ Date: _____

Appendix G: Interview Protocol

Introduction to interviewee:

1. Thank them for meeting and donating their time
2. Explain the study and its scope: “I’m collecting the perspective and experience of orchestra musicians in a time marked by lockouts, organizational restructuring, and renewal. The Louisville Orchestra musicians will be the first that I work with, but later on I will expand the study to include Minnesota and Atlanta. There’s not too much research out there right now on orchestra lockouts and renewal in general, but most of what is out there is from a business or arts administration perspective, not from the musicians – that’s what I want to correct. This isn’t a really structured “I ask, you answer” kind of interview, and we don’t have to stay on topic – we can talk about anything you think is important. There are just a few themes that I want to touch on. Everything you say is completely confidential – I’m not going to be using any names or identifying details. I would like to use a recorder so I can take less notes and be more present in the conversation, and because my memory is not so great, but if you are not comfortable with that, it’s no problem at all. Would it be okay if I recorded this conversation? [Pending yes] Great.

Goal Statement: In these interviews, I hope to get an idea of how musicians experienced their lockouts, and how they feel about, and are affected by, their orchestra's restructuring.

Sample parameters: Musicians of the Minnesota Orchestra, Louisville Orchestra, and Atlanta Symphony Orchestra of all ages and lengths of time with the organization.

Location: Preferably in a public location like a coffee or tea shop, but in the participant's home is acceptable.

Topics:

- Life during the lockout
- Relationships with management
- Relationships with the board of directors
- Workplace dynamics
- Changes to organizational structure
- How participant feels about their career currently

Appendix H: Electronic consent form for survey

Informed Consent Form

A Qualitative Study of Recent Lockouts and Organizational Renewal from the Perspective of Orchestra Musicians

Electronic Informed Consent Agreement

You are being presented an opportunity to participate in a study on recent lockouts and organizational change. The goal of this study is to gain insight into the perspective and experience of the musicians of the Minnesota Orchestra, Atlanta Symphony Orchestra, and Louisville Orchestra.

Participation entails a survey that will take between 5 and 15 minutes of your time. This survey will be administered online, powered by Google Forms. The topics covered in the survey will cover work relationships, personal opinions on programming, and perspectives on organizational changes. You are in no way obligated to answer any part of the survey that you do not feel comfortable answering. Direct quotations may be used. Data collected from this study will potentially be used in publications in professional journals, conferences, and a master's level thesis.

Risks associated with participation could potentially include workplace conflict if the data is not properly anonymized. To minimize this risk, your name will be changed or omitted, and identifiable details, such your position in the orchestra, will be omitted. There are no direct benefits to you for participating in this research study.

Confidentiality and respect for your privacy is a top priority. When the study is completed and the data have been analyzed, the data will be destroyed within six months after completion of this study. The investigator will copy information written or spoken by you during the study into an anonymous and electronic format.

The features of this online survey software that may collect information such as IP addresses and email addresses will be disabled, and any identifying information you provided in your responses will remain confidential.

Primary Investigator:

Academic Advisor:

Jacqueline Heinzen

Rebecca Robertson

Jh3988@humboldt.edu

Rebecca.Robertson@humboldt.edu

(502)-310-7169

(707)-599-5608

The Investigator will answer any questions you have about this study. Your participation is voluntary and you may stop at any time. If you have any concerns with this study, contact the Chair of the Institutional Review Board for the Protection of Human Subjects, Dr. Ethan Gahtan, at eg51@humboldt.edu or (707) 826-4545. If you have questions about your rights as a participant, report them to the Humboldt State University Dean of Research, Dr. Rhea Williamson, at Rhea.Williamson@humboldt.edu or (707) 826-5169.

Please print this informed consent form now and retain it for your future reference. If you agree to voluntarily participate in this research as described, please check the box below to begin the online survey.

Thank you for your participation in this research.

* Required

1. By selecting "I agree" I have read and understood this consent information, and agree to participate in the survey. *
Mark only one oval.

I agree.

Appendix I: Online survey

Orchestra Musician Survey

Please feel free to skip any questions that you don't feel comfortable answering, or would just prefer not to answer. Remember, all of this is completely anonymous - your responses won't be linked to your name or email, and any identifying information will be removed.

2. How many years have you worked with the orchestra?

3. During the lockout, what did you do to make ends meet?

Check all that apply.

- Taught more students
- Relied on spouse's income
- Played more gigs
- Took out of savings/retirement
- Tightened budget
- Took a job at another orchestra.
- Other:

4. Could you please briefly describe your experience during the lockout(s)?

5. What was it like to come back to work after the lockout(s)?

6. Do you work outside of the orchestra currently?

Mark only one oval.

Yes

No

7. If so, what work do you do outside of the orchestra?

Check all that apply.

- I teach students privately.
- I teach at a school.
- I play gigs with an ensemble or other orchestra.
- I have a non-music related job.
- Other: _____

8. How many hours per week is typically dedicated to work outside of the orchestra?**9. Were you active in organizing and/or advocacy during the labor dispute?**

Mark only one oval.

- Yes
- No
- Sometimes

Other:

10. If so, what kinds of efforts were you engaged in?

11. How would you describe the current relationship between the musicians and management/the board?

12. How would you rate the communication between staff, musicians, board, and management?

Mark only one oval.

1 2 3 4 5

Very

poor

Very good

13. Is there anything that could be improved on in the organization to help the orchestra thrive?

14. Any additional comments about your thoughts, opinions, or experiences about your work, the organization, or the lockout?

A pdf of survey responses is available upon request.
Please contact Jacqueline Heinzen at jh3988@humboldt.edu.

Appendix J: Sample of coded data

Underlined: Line corresponding to “in vivo” code in margin

Yellow: Anti-union tactics

Pink: Local/cultural factors

Green: Organizing strategy

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they tend to be a little less reflexively aggressive but one of the downsides is it takes a lot to get them fired up. It took a long time and it took a lot of those house concerts - dozens of them - where we would, as quietly as we could, lay out for these nice people who showed up to hear us play Brahms. "Okay, you know about the lockout, here are some things you probably don't know that we think are kind of shocking and we'd like to hear your thoughts." And we learned very quickly what were the things that we could say that would immediately capture the midwestern mind and cause them to say "Wait. Something's not right here." One of the big signs that we could signal to them that this was not an ordinary labor dispute was to tell them that when we scheduled our big orchestra concerts that our management that had locked us out was actually calling our stage crew into work on nights that we had concerts and calling them into do nothing just to sit on their hands for three hours just so they couldn't come help us. It would happen every time. That was the quickest way that we could get to people. And you could see people's faces just fall. I remember the first house concert we played I laid out some of these things and I was wondering if we had pushed it too far with these nice Minnesotans - we don't want to be offensive or crass. We talked with someone on the radio for an hour to debate the CEO and we thought he'd done an amazing job and the reaction that we got was a bunch of Minnesotans clucking and saying "Tone is really important." And we were like "What do you MEAN tone is important?" But that matters to people here. This first house concert I did, boy we've gone over the top with these people, and at one point a man in the back raised his hand and said "If what you're saying to us is true, you can't give up." And this was a month into the lockout. "You're painting us a picture where they're trying to tear down everything that anyone who ever built anything great culturally has built, and you don't have the option of letting them do it." I remember walking away thinking "I already knew that, but it's shocking that someone who walked in who had no knowledge of the industry and no knowledge of what was really going on and he got to that that quickly. What was significant about it, he's not a known name in Minnesota, he's not a power broker, but he's a guy who is well-connected politically. And I realized This is not a cultural fight anymore, this is politics." This is going to be won or lost on who gets the most people lined up in their corner and has the dominoes set to fall. And if we get it faster than they do, we win. If they get it set up faster than we do, they win. And that really was how it played out 16 months later. When it ended, there's a lot out there that's been written about "Oh it ended because public uprising" or "It ended because Osko resigned," "It ended because of bloggers." It ended because the city of Minneapolis was about to seize the concert hall. And that would never have happened - and it may not have worked! It could have been a gigantic bluff and we'll never know, because it worked. But we got to the point to where we started to topple our dominoes and they didn't have theirs set yet. It's astonishing to me, you watch political dramas, and you find yourself in the middle of something like "Oh wait, we actually have to play this game!"

in fact, teachers

Cultural response

Realize this political fight, not a cultural one

house concert

subtle be the midwestern mind through that

arrive